

Since 2007, a UNICEF-led working group has consolidated efforts to report on the impact of armed conflict on children in Israel and the State of Palestine. The bulletin is published on a quarterly and yearly basis highlighting trends and patterns in grave violations against children.

Members of the working group include: B'Tselem, DCI-Palestine, OCHA, OHCHR, Palestinian Centre for Human Rights, Terre Des Homme – Suisse, Save the Children, UNESCO, UNICEF, UNRWA, UNMAS, War Child Holland, WHO and World Vision.

This edition covers January – December 2016

**Update as of September 2017:** The Principals of Working Group member organizations met in August 2017 and reaffirmed their commitment to continue to generate accurate and reliable data on the situation of children affected by the conflict in Israel and the State of Palestine and to put this data in the public domain for advocacy purposes and to improve the situation of children. They will continue to work to improve the content and format of the CAAC bulletins and implement specific actions to that end. They also agreed to move forward with a similar but distinct 'bulletin approach' on other non-conflict related child rights issues of concern in an effort to ensure a more comprehensive approach to the child rights agenda. They reaffirmed the need for engagement with all concerned parties. UNICEF, as the chair of the Working Group, is also in the process of reaching out to other human rights organizations who may be able to provide additional data on grave child rights violations and, where relevant, will propose their inclusion in the Working Group.

## Grave violations against Israeli and Palestinian children in 2016

In 2016, many children were adversely affected by the enduring situation of conflict in the State of Palestine and Israel. The year began with intense clashes between Palestinians and Israeli security forces (ISF) as well as attacks by Palestinian individuals against Israeli persons, continuing an upsurge in violence that had started and reached its apex in the last quarter of 2015. Children, particularly Palestinian children, were frequently caught up in the violence which put them at risk. Especially in the first quarter of the year, there was a related spike in the number of children killed and injured, as well as in the number of children detained. Towards the middle of the year, when levels of violence subsided, there was a notable drop in the number of children injured and killed and the number of children in detention also decreased. However, the overall numbers remained worryingly high. Incidents occurring throughout the year raise significant concern that excessive force continues to be used against Palestinian children, including ill-treatment in detention. Also of concern was the renewed practice of placing children in administrative detention.

In addition, educational services for Palestinian children were affected by attacks and threats of attack against schools, as well as school staff and students; by restrictions on access to school; and by Israeli military presence in and around schools.

Children from the Gaza Strip faced difficulty in accessing specialized medical care they required outside of Gaza due to restrictions on movement via the Israeli and Egyptian controlled borders.

Many Palestinian homes and other structures, including those provided by humanitarian aid organizations, were demolished and other items provided by humanitarian aid agencies (such as tents and blankets) were confiscated. This resulted in children being displaced and deprived of basic living standards.

All parties to the conflict have an obligation to prevent violations, protect civilians and provide effective remedy for victims of violations of the law. This includes ensuring that every reported violations are subject to timely, independent, transparent and thorough investigations, resulting in corrective and remedial actions, redress for victims, and non-recurrence of violations.

### KILLINGS AND INJURIES

In 2016, thirty-five (35) Palestinian children were killed and 887 Palestinian children were injured (824 boys and 63 girls) in Israel and the State of Palestine, including Gaza, the West Bank and East Jerusalem. One Israeli girl was killed and 11 Israeli children were injured (9 boys and 2 girls) in conflict-related incidents that occurred in the West Bank, including East Jerusalem. In Israel, 2 Israeli children were injured in a bus explosion incident.

Among the 35 Palestinian children killed, 31 were killed in the West Bank, aged between 6 and 17 years. Of these, 30 children were killed by the ISF and another one, aged 17, was killed by a settler after stabbing and killing a 13-year-old Israeli girl in the settlement of Kiryat Arba. Three Palestinian children (2 boys and a girl) in Gaza were killed by ISF. Another, aged 17, was killed in the city of Petah Tikva in Israel after he committed a stabbing attack injuring an Israeli civilian.

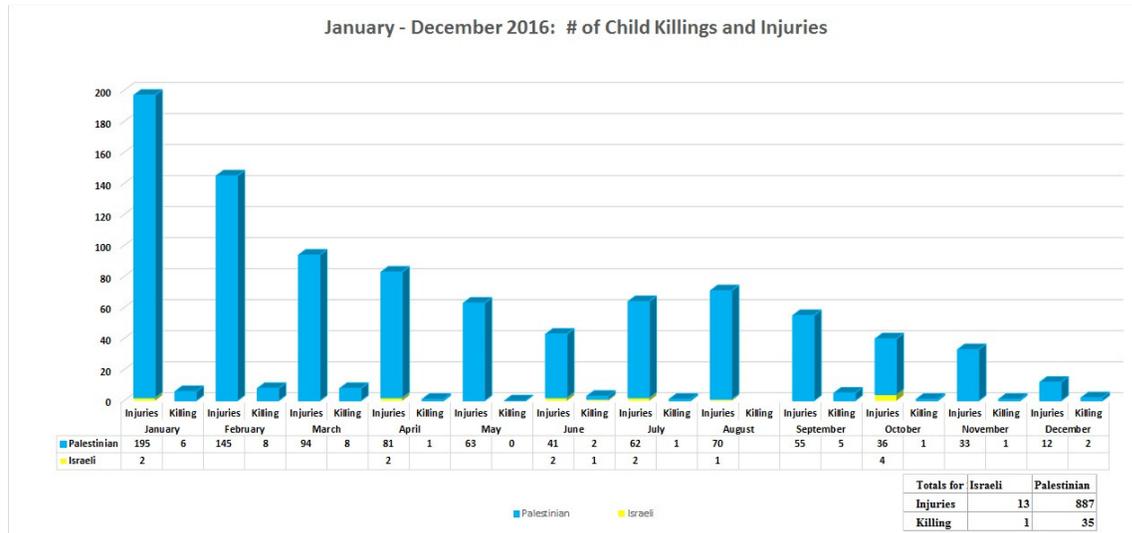
Among the 887 Palestinian children injured (aged between two months and 17 years old), 857 (97 per cent) were from the West Bank, including East Jerusalem. The remaining 30 injuries (3 per cent) occurred in Gaza. Of the 857 Palestinian children injured in the West Bank, 356 were injured during clashes between Palestinians and ISF, in the context of demonstrations and protests (41 per cent), 465 during law enforcement activities by ISF, such as search and arrest operations (54 per cent), 29 as a result of settler violence, 4 following stabbing or alleged stabbing attacks and 3 as a result of the detonation of an unexploded ordnance. Out of these 857 incidents 69 were injured by live ammunition. Of the thirty Palestinian children injured in Gaza, 26 were injured by the ISF including 9 injured by live ammunition, and a further 4 children were injured by unexploded ordnances.

In many of the incidents in which Palestinian children were killed or injured in 2016, the children did not appear to present any imminent threat when they were killed or injured, hence raising serious concerns about excessive use of force. These concerns are exacerbated by the frequent use of live ammunition, including 30 cases of Palestinian children killed by live fire. In one such incident, resulting in the killing of a 16-year-old child in Bani Na'im in the West Bank on 20 September, soldiers continued shooting at the boy when he had already fallen to the ground after initial gunshots to his legs.

Concerns about use of lethal force also arose in cases which did not involve the use of live fire. An example of one such incident occurred in Ar-Ram on 19 July when a 10-year-old child died as a result of injuries he sustained after being shot in his chest by a black sponge-tipped bullet which the Israeli Police uses for crowd control purposes. In addition to concerns that international standards may have been violated this incident appears to be in contravention with Israeli police regulations, which explicitly prohibit use of black sponge-tipped bullets against children and establish that these weapons should not be aimed towards the upper part of the body. In another incident, on 9 September, a 16-year-old child was killed from wounds sustained when ISF fired a tear gas canister that hit him in the face while he was participating in a protest East of Al Bureij Camp in the Gaza Strip.

The 13-year-old Israeli girl who was killed died of her wounds when a 17-year-old Palestinian boy broke into her house in the settlement of Kiryat Arba and stabbed her. All eleven Israeli children injured in conflict related incidents in the West Bank and East Jerusalem were injured by Palestinian civilians, except for a 15-year-old child who was injured by shrapnel from live ammunition fired by ISF during a security operation.

At least two Israeli children were injured in attacks by Palestinians conducted in Israel, including in a suicide attack on a bus in West Jerusalem on 18 April for which Hamas claimed responsibility.



Source CAAC database

### RECRUITMENT AND USE OF CHILDREN

There were no cases documented of recruitment and use of children in 2016. In Gaza, the Working Group was not in a position to document cases of child recruitment and use of children in armed conflict in 2016 owing to a number of factors, including security and protection risks related to collecting comprehensive and detailed information. The Working Group continues its efforts to document all violations.

### ARREST AND DETENTION OF CHILDREN

Following the escalation of violence at the end of 2015 and beginning of 2016, an increasing number of Palestinian children aged between 12 and 17 years, from the West Bank and East Jerusalem, were detained and arrested by Israeli security forces for alleged security violations (primarily for stone throwing). As a consequence, the number of Palestinian children held in Israeli detention facilities in 2016 was considerably higher than it had been in preceding years. Monthly headcounts conducted by the Israeli Prison Service (IPS) between January and April 2016 indicated that the number of Palestinian children in detention was higher than it had been in any corresponding period since the United Nations began reporting on this data in 2010. The highest monthly head count since the beginning of documentation in 2010 was recorded in March 2016, when 444 children (429 boys and 15 girls), aged between 12 and 17 years old, were reported to be held in IPS detention facilities.

Since April 2016, the Israeli Prison Service (IPS) has not provided data about the number of Palestinian children held in its detention facilities, with the exception of partial data for the months of July and August.

In East Jerusalem, the United Nations documented 712 cases of Palestinian children detained or arrested for security-related offences, out of which 15 children were below the age of criminal responsibility (12).

On 2 August 2016, the Knesset enacted a temporary legislative amendment to Art 25 of the Youth Law (Amendment no. 22 – “Means of Punishment”) allowing for children between the ages of 12 and 14 who were convicted of manslaughter or murder to be sentenced to imprisonment. Since Israel applies its domestic law in East Jerusalem, this amendment would apply to children in East Jerusalem and the

official explanations that accompanied the amendment proposal, as well as statements by Israeli legislators during related deliberations raise concern that the amendment was enacted with the specific intention to apply it to Palestinian children found guilty of conflict-related offences.<sup>1</sup>

Concerns are raised as to the increasing number of Palestinian children placed under administrative detention, i.e. held in detention on security grounds, without being charged. Ten such cases were documented during 2016 of children aged between 15 and 17 years held in administrative detention; the highest number of documented cases since 2010 (since the United Nations started its reporting).

#### **Palestinian children in Israeli detention facilities (source: IPS)**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2010	314	338	337	328	300	287	281	280	264	251	226	210
2011	221	216	224	217	211	207	201	176	162	150	159	132
2012	166	183	203	218	231	220	210	194	189	164	177	193
2013	219	234	236	236	223	193	195	180	179	159	173	154
2014	183	210	202	196	215	202	192	201	182	163	156	151
2015	163	182	182	164	163	160	153	156	171	307	407	422
2016	406	438	444	414	332	300	343	319	271	NA	NA	NA

### **ILL-TREATMENT OF CHILDREN IN DETENTION**

A sample of affidavits (sworn testimonies) collected from 185 children (175 boys and 10 girls), aged between 12 and 17 years, who had been held in Israeli detention facilities, including 165 children from the West Bank and 20 for East Jerusalem, indicated that in 2016, as in previous years, Palestinian children were subjected to recurring patterns of ill-treatment by ISF, Israeli Police, Israel Security Agency and IPS. All 185 children from whom affidavits were taken reported that they had been subjected to ill-treatment during arrest, transfer, interrogation and/or detention.

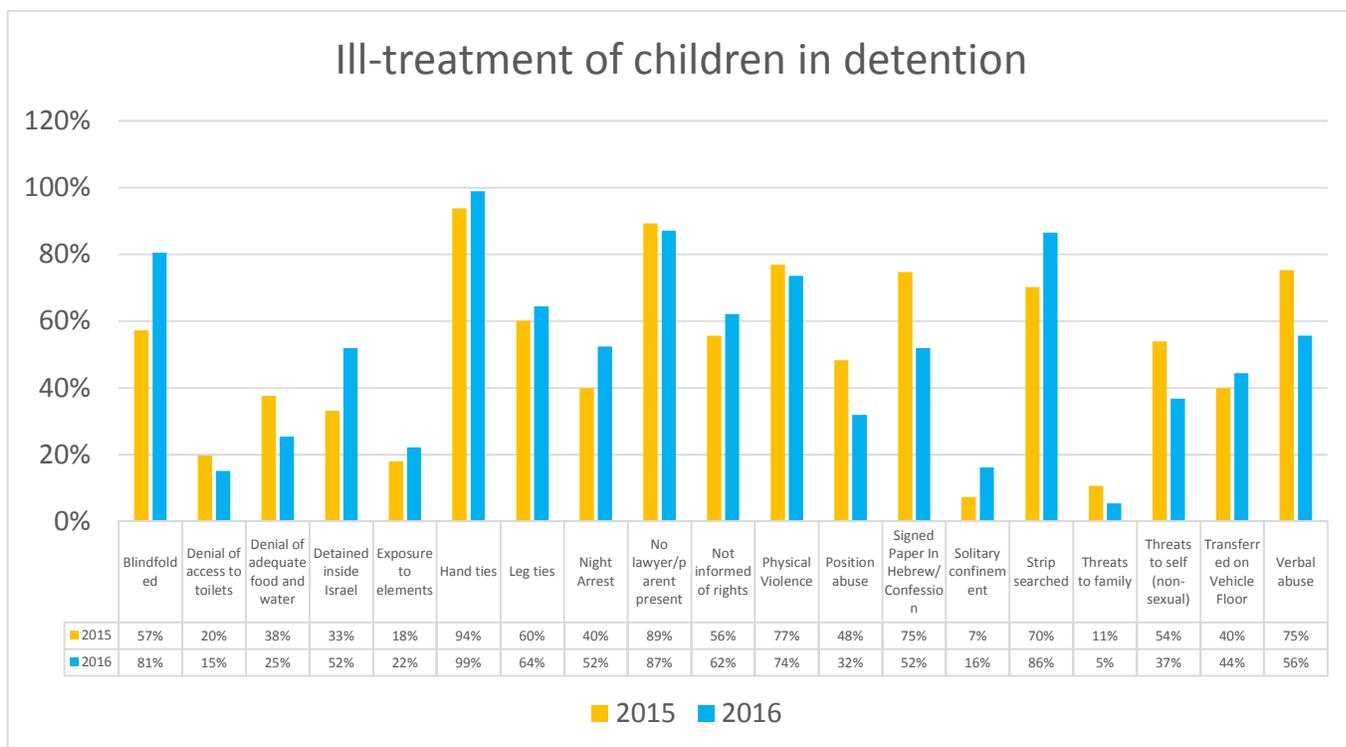
Reported forms of ill-treatment and due process violations included the following:

115 were not adequately notified of their rights  
 149 cases of children being blindfolded during arrest  
 136 cases of physical violence  
 103 children were subjected to verbal abuse and intimidation  
 97 children were arrested at night

- 149 children (81% of those providing sworn testimony) reported that they had been blindfolded during transfer from the place of arrest and that they remained blindfolded until their interrogation began.
- 183 of the children interviewed (99%) reported that they were handtied upon arrest and of these 111 children (60%) explicitly reported that a painful method of hand-tying was used.
- 136 children (74%) reported that they endured physical violence during arrest, transfer, interrogation and/or detention.
- 103 children (56%) reported that they endured verbal abuse and intimidation during arrest, transfer, interrogation and/or detention.

<sup>1</sup> In addition to Palestinian children in East Jerusalem, the amendment will formally apply to children in Israel and to children residing in Israeli settlements in the West Bank. Palestinian children in the West Bank are subject to Israeli military orders which are generally harsher than the Israeli domestic law that is applied by the Israeli authorities in East Jerusalem.

- 115 children (62%) reported not being adequately notified of their legal rights, in particular the right to counsel and the right to remain silent.
- 30 children (16%), between 15 and 17 years, reported that they had been held in solitary confinement, i.e. held in a cell alone between 7 and 18 days, without daylight, and no access to other detainees, family or lawyer.<sup>2</sup>
- 161 children (87%) reported that neither a parent nor a lawyer was present during their interrogation.
- 47 children (25%) reported that they were not provided with adequate food or water and 28 children (15%) reported that they were not given access to toilets during the initial stages of detention, particularly at stages of arrest, transfer and interrogation.
- 41 children (22%) reported that they were exposed to the elements during the initial stages of detention, particularly at stages of arrest, transfer and while being held prior to interrogation. This includes children being arrested and forced to stay outside during cold or hot weather for prolonged periods of time, including sometimes on their knees and/or hand-tied.
- 68 children (37%) reported that they had been threatened, during transfer or interrogation.
- 10 children (5%) reported threats of harm to their family members during interrogation.



<sup>2</sup> This includes cases in which children were held in solitary confinement while undergoing an interrogation by the Israel Security Agency (ISA, or Shabak).

### EDUCATION-RELATED VIOLATIONS

In 2016, 256 education-related incidents were documented by the UN as compared to 283 incidents documented in 2015.<sup>3</sup> With the exception of one incident that occurred in Gaza, all of the education-related incidents documented in 2016 took place in the West Bank and East Jerusalem.

The documented incidents included 74 attacks on schools or on protected persons (school staff and students), 4 threats of attacks on protected persons in relation to schools, and 178 other incidents of interference with education.

#### Attacks & threats of attacks on schools and related protected persons

The 74 documented incidents relating to attacks on schools and protected persons represent a decrease from the 124 incidents documented in 2015. A total of 8,217 students were affected in all governorates, with the worse affected being Hebron and Bethlehem, followed by Nablus and Ramallah.

Many of the incidents took place in the context of clashes, protests and stone-throwing in or near schools. ISF activities in these incidents included the firing of tear gas canisters, sound grenades or rubber-coated bullets towards schools or students gathering in the immediate proximity of schools, as well as raids in which ISF personnel entered school facilities searching for children accused of throwing stones. In one such incident, which occurred on 15 February, the ISF raided the New al-Bireh Secondary School for boys firing .22 rounds of live ammunition and rubber bullets which injured five students. In a later incident, on 29 August, the ISF fired tear gas canisters on a primary school for boys in Hebron as a result of which 160 students and 15 teachers required medical treatment due to gas inhalation.

In addition, physical assaults of students were reported in at least seven of the documented incidents. In one such incident, on 27 November, ISF reportedly assaulted a 9th grade student from the Beer Sabe' Elementary School for Boys in Hebron. He was asked to present his ID. When he failed to produce the ID, because he was below the age of 16 and therefore too young to have one, he was beaten by the ISF sustaining a fracture in his left arm and multiple bruises.

In six of the documented cases of attacks on schools and protected persons, perpetrators known or believed to be Israeli settlers vandalized school buildings or physically assaulted students or teachers. For example, on the night of 31 August, settlers reportedly attacked a school in Douma, (Nablus) by throwing stones, mud as well as empty glass bottles at the window of the teachers' room and laboratory.

#### Other interferences with education

In 2016, 178 incidents of interference with education by ISF were documented affecting 20,560 students. The most affected governorates were Hebron (51), Bethlehem (46), Jerusalem (26) and Nablus (30). In 100 of these cases the loss of school time was due to the setting up closed military areas nearby schools, delays suffered by students and teachers at check-points, obstructions at the entrance of schools, preventive closure of schools in the context of security operations, or overall presence of military elements around school premises. In 52 incidents disruption resulted from the detention of students or school personnel. The remaining 20 incidents resulted from search operations, demolitions or other threats of violence occurring in the proximity of schools.

In relation to delays at check-points, for example, on 26 April nine teachers and five students from the Beit Iksa Secondary School for Girls were detained at the nearby checkpoint. On 23 August, two

<sup>3</sup> Education-related violations are reported here in accordance with UNSCR 1998 and subsequent guidance note (2014) available online here: <https://childrenandarmedconflict.un.org/publications/AttacksonSchoolsHospitals.pdf>

teachers from the Beit Fajjar Secondary School for Boys (Bethlehem Governorate) were stopped on their way to school at the Estyon checkpoint where they were asked to step out of their car and to remove their clothes. The ISF took their IDs and mobile phones and held them for about an hour. On 4 May, male students in Hebron were told by ISF to go back while they were about to cross Check-point 55 to reach Qurtoba school; a similar incident occurred again on 26 May.

With regards to consequences for education due to military closure of areas, classes were cancelled over three days (10-11 and 14 February) affecting 336 girl students at the Nahalin Secondary School. The ISF imposed the closure of Nahalin following a stabbing attack at a nearby settlement.

In relation to demolitions, on 4 October, the Israeli Civil Authority and ISF dismantled a school tent in the Bedouin community of Abu Nuwar (Area C of Jerusalem governorate), citing lack of a building permit. A school caravan catering for ten 3rd grade students in the same location had been earlier confiscated on 27 September following partial demolition on 20 February.

### DENIAL OF HUMANITARIAN ACCESS TO HEALTH

In 2016, children from the Gaza Strip continued to face denials and delays in accessing specialized medical care they require outside of Gaza. Causes include the Israeli authorities' denial of permits for accompanying adult relatives to cross the Erez terminal, and the ongoing restriction of access through the Rafah terminal imposed by the Egyptian authorities since 2013.

- Erez: the Israeli District Liaison Office approved without delay 6,861 (2,846 girls, and 4,015 boys), out of 9,438 applications (73 per cent) for children to cross the Erez checkpoint for medical treatment outside of Gaza. In the final quarter of 2016, only 1,264 out of 2,182 applications (58 per cent) were approved without delay, the lowest percentage captured since reporting began in 2010. In 2016, 26 per cent (2,490; 1,026 girls and 1,464 boys) of applications were delayed<sup>4</sup> and 1 per cent (87; 24 girls and 63 boys) were denied.
- Rafah: in 2016, the Egyptian side of the Rafah border with Gaza was opened for a total of only 38 days, allowing 1,547 patients (including children) to cross to Egypt for health care. Prior to the July 2013 closure, approximately 4,000 Gaza residents crossed Rafah monthly for medical assistance.

In addition, on 13 December 2016, ISF confiscated a donor-funded caravan that was to be used as a primary healthcare center in Al Mirkez community of Masafer Yatta, in the Hebron governorate. The primary healthcare caravan was due to operate once a week and provide essential services to two communities, Al Mirkez and Al Halaweh, which comprise 39 households, including 93 children.

### DENIAL OF HUMANITARIAN ACCESS AND FORCED DISPLACEMENT

In 2016, 1,094 structures (325 residential structures and 769 other structures) were demolished by the Israeli authorities. As a result, 759 children were displaced. Of the 1,094, 300 structures were provided by aid organizations. Many of these structures were provided as humanitarian response to earlier demolitions.

Extremely vulnerable Bedouin communities living in Area C, which is under Israeli administrative and security control, were disproportionately affected. Many of these structures were provided as an

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<sup>4</sup> For this purpose, the term "delay" relates to cases in which children who submitted their permit application on time (between 7-10 days prior to their appointment) did not receive an answer to their applications in time for their hospital appointments and therefore suffered delay in health care.

emergency response to earlier demolitions, and these demolitions exacerbated the conditions of these already vulnerable communities even further.

This practice is in contravention of Article 59 of the Fourth Geneva Convention which requires Israel as the occupying power to facilitate relief schemes on behalf of the population of the occupied territory and deprives the affected children of the right to an adequate standard of living pursuant to Article 27 of the Convention on the Rights of the Child. Israeli authorities argue that this is in line with planning and zoning regulations which were in effect before 1967.

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