



Israeli Policies disregard the Convention on the Rights of the Child

20 November 2016 marked Universal Children's Day and the 27th anniversary of the Convention on the Rights of the Child (the Convention). The Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ) is deeply concerned about Palestinian children living in East Jerusalem, and the negative effect Israeli policies have on both the children and their family members.

By **ratifying** the Convention in 1991, Israel recognized the importance of childhood and the idea that every child should grow up in a family environment, and in an atmosphere of happiness, love, and understanding. Children should live in the spirit of peace, dignity, tolerance, freedom, equality, and solidarity, a strong contrast to the hard reality faced by Palestinian youth in In East Jerusalem.¹ The Israeli Occupation makes it extremely complicated for Palestinian children in Jerusalem to have a normal childhood because of discriminatory policies such as Child detention, house arrest, residency issues, and education problems. The Israeli policies are within the context of "Israelization" or "de-Palestinization", a plan to reach a demographic balance in Jerusalem of 70% Jewish Israelis and 30% Palestinians in 2020.²

Detention

According to article 37 of the Convention, subjecting children to arrest, detention or imprisonment should be in conformity with the law and it shall be used only as a measure of last resort and for the **shortest appropriate period of time**. Israel has a long history of imprisoning Palestinian minors for unjust lengths of time.³ Recently in East Jerusalem, 14 year-old Ahmad Manasra was sentenced to 12 years in prison for allegedly attempting to murder two Israeli settlers together with his cousin who was fatally shot during the attack.⁴ A month after the attack; footage was released of Manasra's interrogation showing that his interrogators yell at him using aggressive and insulting language while questioning him about his motives.⁵ This constitutes verbal abuse, a form of cruel, inhuman or degrading treatment which is explicitly prohibited by the Convention.⁶ Lastly, some commentators alleged delaying his trial multiple times was a conscious decision to delay the case until he turned 14 in January, at which time he became old enough under Israeli law to be given a prison sentence.⁷ According to Defence for Children International Palestine (DCIP), 400 children are currently imprisoned in Israeli jails.⁸ In addition to a prison sentence, families of the alleged attacker often have to pay a high fine. In the Manasra case the fine was 180,000 shekel.⁹

¹ UN General Assembly, Convention on the Rights of the Child (the Convention), New York, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, preamble.

² New Regional Master Plan for Jerusalem will further stifle Palestinian neighbourhoods, enable settlement expansion, CCPRJ and Adalah, 10 September 2012, available at: <http://www.civiccoalition-jerusalem.org/reports.html>.

³ The Convention, article 37.

⁴ O. Lewis, Israeli court jails 14-year-old Palestinian attacker for 12 years, Reuters, 7 November 2016, available at: <http://www.reuters.com/article/us-israel-palestinians-sentence-idUSKBN1321XK>.

⁵ Israeli court sentences 14 year-old Palestinian to 12 years in prison for attempted murder, Ma'an News Agency, 7 November 2016, available at: <https://www.maannews.com/Content.aspx?id=773866>.

⁶ The Convention, Article 37(1).

⁷ Supra note, 5.

⁸ Wafa Palestinian News and Info Agency, Statistics Bureau: About half the population are children, 20 November 2016, available at: <http://english.wafa.ps/page.aspx?id=ZwDOEya51681139653aZwDOEy>.

⁹ Supra note, 5.

Extrajudicial killings

As part of the escalation of violence, Israeli forces seem to be implementing a ‘shoot-to-kill’ policy, which in many situations amounts to extrajudicial killings. International law requires that intentional lethal force be used only when absolutely unavoidable.¹⁰ Especially with regard to children the State needs to ensure to the maximum extent possible the survival and development of the child.¹¹ Manasra’s cousin is an example of this policy. While carrying a knife he would have been no match for the Israelis armed with fire weapons. Yet, they still chose to shoot and kill him. According to records of the DCIP, 32 children were killed during the first ten months of 2016.¹²

Arrest and house arrest

On 17 October 2016, 10 students from the Dar al Aytam School in Jerusalem were arrested for allegedly throwing stones at Israeli soldiers. According to the Wadi Hilweh Information Center, Israeli forces pursued and arrested the students soon after they left the school grounds. They were released one day later and placed under 20 days of house arrest.¹³ According to DCIP, data indicated that 1,260 children have been arrested during the first four months of 2016, even though arrest is supposed to be a measure of last resort.¹⁴ Sometimes children are placed under house arrest while awaiting trial, which subjects a family to **twice-daily visits from Israeli soldiers**, at any time of the day. DCIP does not link the house arrest to serving a sentence of any kind. While most house arrests last for a relatively short amount of time, some continue for months. This situation can impact severely on a child’s mental health, and often results in the child dropping out of school.¹⁵

Home demolitions

Article 16 and 27 of the Convention contain the right to privacy and an adequate standard of living.¹⁶ In East Jerusalem, 44 homes have been demolished in 2016.¹⁷ According to the Israeli Committee Against House Demolitions (ICAHD), the months preceding a home demolition are **traumatic for children**. On the day itself, children must ‘bear the noise and violence, the uprooting and destruction of their home, their world and their toys. The children will bear the lifelong imprint of this. There is an abundance of evidence of trauma and distress among children: bedwetting, nightmares [...] sharp decrease in school grades, “dropping out” and also effects of exposure to violence at home.’¹⁸ There is also evidence to indicate that children suffer emotional and behavioral problems following the demolition of their homes.¹⁹

Residency

Articles 7, 8, and 9 of the Convention cover the child’s right to acquire a nationality, the State’s respect for the child to preserve his or her identity, including nationality, name and family relations, and the right not to be separated from his or her parents against their will.²⁰ Article 10 of the Convention specifically cites that **applications for family**

¹⁰ DCI Palestine, How was 2015 for Palestinian children?, 20 January 2016, available at: http://www.dci-palestine.org/how_was_2015_for_palestinian_children.

¹¹ The Convention, article 6(2).

¹² Wafa Palestinian News and Info Agency, Statistics Bureau: About half the population are children, 20 November 2016, available at: <http://english.wafa.ps/page.aspx?id=ZwDOEya51681139653aZwDOEy>.

¹³ ¹³ The Palestinian News and Info Agency, report (in Arabic), 18 October 2016, available at: http://www.wafa.ps/ar_page.aspx?id=sGv9pza725021641575asGv9pz.

¹⁴ Supra note, 11; The Convention, article 37(b).

¹⁵ DCI Palestine, Child house arrests rise in Jerusalem clampdown, 11 December 2014, available at: http://www.dci-palestine.org/child_house_arrests_rise_in_jerusalem_clampdown.

¹⁶ The Convention articles 16 and 27.

¹⁷ B’Tselem, Statistics on demolition of houses built without permits in East Jerusalem, 20 October 2016, available at: http://www.btselem.org/planning_and_building/east_jerusalem_statistics.

¹⁸ The Israeli Committee Against House Demolitions (ICAHD), No place Like Home: House Demolitions in East Jerusalem, March 2007, p. 46.

¹⁹ DCI Palestine, Voices from East Jerusalem: The Situation facing Palestinian Children, August 2011, p. 28.

²⁰ The Convention, articles 7, 8, and 9.

reunification shall be dealt with by States Parties in a positive, humane and expeditious manner.²¹ Despite the *de facto* annexation of East Jerusalem to Israel, the population of East Jerusalem was granted Israeli ID cards to indicate their status as ‘permanent residents’ in Israel, which effectively defines them as foreigners in their home town and country. As such, they do not enjoy an unconditional right to stay, and decisions about granting and revoking permanent residency are at the discretion of the Minister of Interior. Separation of Palestinian children from parents and family in East Jerusalem has increased dramatically since 2002 as a result of discriminatory legislation which explicitly excludes non-Jerusalemite Palestinian parents and children from entitlement to apply for unification with their Jerusalemite spouse/parent in East Jerusalem and Israel.

Education

Article 28 of the Convention speaks of the right to education on the basis of equal opportunity. Most importantly, the development includes respect for the child’s cultural identity, language and values, as well as national values of the country in which the child is living, the country from which he or she may originate. Since 1967, Israel has implemented and encouraged educational policies in order to remove any acknowledgement of the Palestinian Identity by introducing policies including censoring the Palestinian curriculum and promising extra financial support only to schools that will adopt the Israeli curriculum. Furthermore, Israel is bound by the Convention to “take measures to encourage regular attendance at schools and the reduction of drop-out rates”, but an estimated 36% of East Jerusalemites fail to complete high school, with many defaulting into the child labour workforce.²²

Lastly, the educational sector is negatively impacted by institutionalized discrimination and substandard infrastructure: in spite of several high court decisions there is still a shortage of 1000 classrooms, a substandard quality of existing facilities, and severe access restrictions for teachers and students.²³

The policy of Israelization brazenly contravenes multiple articles of the Convention by deliberately denying Palestinian children in East Jerusalem the right to live their lives in a peaceful surrounding, undermining the pursuit of their rights protected under the Convention. The lack of the international community and third state parties action encourages Israel to continue these violations. The United Nations and its member states, therefore, share responsibility for Israel’s violations of the Convention.

CCPRJ therefore calls upon the international community to give a protective response and to exercise its third-state responsibility for violations of the Convention on the Rights of the Child by:

- Holding Israel accountable for the current situation in which children are deprived of their rights under the Convention, and recall that Israel’s occupation, including its illegal annexation of East Jerusalem, is the root cause of the ongoing situation.
- Diplomatic interventions which ensure that relevant Israeli authorities will abstain from all further efforts to impose its policy of Israelization on Palestinian children in East Jerusalem;
- Condemning the intensification of arrest and imprisonment of Palestinian Children in East Jerusalem;
- Calling for sanctions against Israel at the UN Security Council.

²¹ The Convention, article 10.

²² O. Maimon and others, Falling between the Cracks: Student Dropout and the Shortage of Classrooms in East Jerusalem, Ir Amim, August 2015, p. 5, available at: <http://www.ir-amim.org.il/en/node/1410>; The Convention, Article 28(e).

²³ ACRI, East Jerusalem 2015: Facts and Figures, 12 May 2015, available at: <http://www.acri.org.il/en/wp-content/uploads/2015/05/EJ-Facts-and-Figures-2015.pdf>; ACRI, HCJ: Authorities Have 5 Years to Provide Public Education in East Jerusalem, available at: <http://www.acri.org.il/en/2011/02/06/high-court-ruling-authorities-have-5-years-to-provide-free-public-education-in-east-jerusalem/>.