



Children's Rights in International Law: The Case of Palestine

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Children's Rights in International Law

- A century ago, children had no rights in law. Deemed to be legally “incompetent” along with married women and ‘lunatics’. They were parental property.
- Beginning in 1921, the League of Nations, adopted international conventions prohibiting the trafficking of children + prohibiting slavery.
- *Universal Declaration of Human Rights* (1948) stated that motherhood and children were entitled to “special care and assistance.”

Children's Rights in International Law

- Significant change began in 1959, when the UN General Assembly adopted the *Declaration of the Rights of the Child*. Children entitled to “special protection”, and “to develop in a healthy and normal manner”
- Other developments:
 - *Convention on Consent to Marriage* (1962)
 - *ILO Minimum Age Convention* (1973)
 - *Protocols to the 1949 Geneva Conventions* (1977)
 - *ILO Worst Forms of Child Labour Convention* (1999)

Convention of the Rights of the Child (1989)

- Most widely ratified international convention in history: 196 states
- Defines a child as anyone under the age of 18
- Created UN Committee on the Rights of the Child to provide soft law 'teeth' to review state compliance with the CRC
- Enshrines the universal entitlement of all children to 4 core principals:
 - Non-discrimination
 - Devotion to the best interests of the child
 - The right to life, survival and development
 - Respect for the views of the child

Convention of the Rights of the Child (1989)

- Among other rights, the CRC protects the following:
- The right to the best healthcare possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well.
- The right to food, clothing, a safe place to live and to have your basic needs met. You should not be disadvantaged so that you can't do many of the things other kids can do.
- The right to a good quality education. You should be encouraged to go to school to the highest level you can.
- The right to give your opinion, and for adults to listen and take it seriously.
- The right to be protected from being hurt and mistreated, in body or mind. You have the right to be free from sexual abuse.
- The right to protection from any kind of exploitation (being taken advantage of).

Rights of Children in Armed Conflict and under Occupation

Primary Protections:

1. *Fourth Geneva Convention (1949) and the Protocol Additional (1977)*

- “Children shall be the object of special respect...”
- Lethal force is justified against any civilian only where a direct and imminent threat to life or serious injury is present

2. *CRC, Optional Protocol on Children and Armed Conflict (2000)*

- “...the rights of children require special protection...”
- “Condemning the targeting of children in situations of armed conflict...”

Palestinian Children under Israeli Occupation



Highly Unequal Struggle

- Militarily, Israel is a nuclear power with the strongest armed forces in the region;
- Economically, Israel enjoys a European-style standard of living with a GDP per capita 14 times higher than the Palestinian standard;
- Territorially, Israel is the overwhelmingly dominant political power between the Mediterranean Sea and the Jordan River;
- Diplomatically, Israel has had the enduring support of the US and, to a lesser degree, the European Union;
- Demographically, Israeli Jews and Palestinian Arabs each constitute roughly 7.2 million people between the Sea and the River.

Children, Violence & the Israeli Occupation



Palestinian Children

- Each year, between 500-700 Palestinian children are imprisoned
- Between January 2008 and October 2023, 1,434 Palestinian children had been killed. During the same period, 25 Israeli children killed.
- Mortality rates
 - 12.7 Palestinian infant mortality rate per 1,000 births
 - 2.7 Israeli infant mortality rate per 1,000 births
 - 14.8 Palestinian mortality rate under 5, per 1,000
 - 3.4 Israeli mortality rate under 5...



• *“ Children as young as twelve have told us about truly inhumane treatment in the Israeli military detention system. There is no possible justification for setting dogs on children, beating them, or shackling them to metal chairs. Whatever they are accused of, regardless of guilt or innocence, these children must be treated first and foremost as children – with all the special protections this entails.”*

*Jeremy Stoner,
Save the
Children, UK*

Palestinian Children and Home Demolitions



**“HOPE
UNDER THE RUBBLE”**

The impact of Israel's home demolition policy

Reluctant children and their families

Palestinian Children and Home Demolitions

- Since 1967, Israel has demolished an estimated 28,000 homes, displacing and forcibly transferring tens of thousands of children
- 70% of Palestinian children after a home demolition interviewed reported feeling socially isolated
- 60% said their education had been jeopardized or interrupted
- 80% said they felt abandoned and had lost faith in anyone protecting their rights

Palestinian Children and Home Demolitions

- “The demolition of Palestinian homes, the expropriation of Palestinian land and the resulting displacement and forcible transfer are not only illegal under international law, but are an obstacle to the fulfilment of children’s rights, including the right to a standard of living adequate for their development.”

Save the Children, Hope Under the Rubble

Human Rights Defenders for Children



UNICEF, Palestinian Children and the Israeli Occupation



The Work of UNICEF in Palestine

- The Palestinian economy under occupation has been flatlining
- Child poverty rates are high
- UNICEF's work is indispensable:
 - * Lowering rates of child mortality
 - Tackling high rates of acute malnutrition
 - Building education capacity
 - Protecting children from violence and exploitation
 - Improving educational outcomes, esp. for girls
 - Improving access to clean water, esp. in Gaza
 - Opportunities for children with disabilities

Children in Gaza: 2023-2024

- Gaza: Save the Children reports that Palestinian 13,800 children have been killed since 7 October 2023.
- 114 Palestinian children have been killed in the West Bank
- UNICEF: At least 1,000 children have had one or both legs amputated in Gaza
- More than 625,000 children registered in schools in Gaza, but no teaching since 7 October + almost all schools have been destroyed.
- Mental health experts are warning that – as protective factors like homes, schools and families are ripped away – children are likely to suffer lasting psychosocial impacts.

Children in Gaza: 2023-2024

- Human Rights Watch (9 April 2024) reported that “...children in Gaza have been dying from starvation-related complications since the Israeli government began using starvation as a weapon of war, a war crime”
- International humanitarian law absolutely forbids the starvation of civilians as a method of warfare: 1998 Rome Statute.
- Global Nutrition Cluster (March 2024): 90% of children aged 6 -23 months, and pregnant and breastfeeding women across Gaza faced “severe food poverty”, eating two or fewer food groups each day.

In Gaza, UNICEF is calling for:

- An immediate + lasting humanitarian ceasefire
- Safe and unrestricted humanitarian access to all parts of Gaza
- The immediate, safe and unconditional release of all abducted children
- Respect and protection for civilian infrastructure, such as shelters, schools and utilities (water, power, health and sanitation)
- Urgent medical cases in Gaza to be able to safely access critical health services for injured and sick children

UNESCO

- The Right to Education is a fundamental right: ICESCR
- It is the pre-requisite to achieving other rights of the child, and realizing the child's full potential

How to Protect Children under Occupation

