

Children's Rights in Palestine:

Touching base on Palestinian Child's Day¹

1st Webinar: 5 April 2024, 2 to 4 PM (CEST)

SUMMARY

Action points:

1. Advocate loudly for accountability systems to halt human and child rights violations, recognising the urgent need to address ongoing suffering endured by Palestinian children since 1948.
2. Initiate legal action in states supporting Israel to hold them accountable for their involvement in the conflict, and push for international criminal justice mechanisms to address atrocities committed against Palestinian children.
3. Support the role of international criminal justice in preventing atrocities by urging the Office of the Prosecutor to fulfil its duties independently of state pressure.
4. Call for intervention from states regarding the South Africa v. Israel case in the International Court of Justice (ICJ) to address potential complicity in crimes.
5. Demand accountability for crimes against humanity and challenge the culture of impunity that allows violations to persist.
6. Call for solidarity among civil society organisations in denouncing apartheid and supporting efforts to undo root causes of violence.
7. Push for justice and accountability for perpetrators of violations against Palestinian children, ensuring that they are held accountable for their actions.
8. Strengthen support for frontline workers and community-based workers in Gaza and the West Bank to enhance their capacity to protect children.
9. Implement practical measures, such as the 'no harm rule,' to prevent further harm to unaccompanied and separated children, focusing on strengthening families to care for them.
10. Support refugees from Gaza by addressing financial barriers preventing them from leaving the country, and advocate for a ceasefire to provide essential humanitarian aid.
11. Confront states with their obligations to stop supporting Israel and redirect resources to humanitarian aid efforts through UNWRA.

¹ Participation to these webinars is reserved to invitation. If you are interested in participating please send the request to WebinarPalestinianChild@defenceforchildren.org

Children's Rights in Palestine (Gaza and the West Bank) Webinar Report

Moderator: Margaret Tuite, Vice-President of Defence for Children International (DCI) Movement

This first webinar was launched symbolically on **April 5th**, 2024, [Palestinian Child's Day](#), the second will take place on **22nd April**, the third on **17th May** and the last one on **31st May**. On top of the four webinars, a hybrid meeting will be organised in Geneva which take place on **2nd May 2024**, during the Annual Rafto Prize meeting of Laureates in Geneva.

The aim of this urgent child-centric series of webinars is to shed light on the reality of Palestinians' children's rights focusing on the impact of the military occupation of the West Bank and the armed conflict and the ongoing genocide in Gaza. The objective of this webinar series is to provide a space for experts, child rights defenders and other stakeholders to share ideas and brainstorm on ways to redress the violations, to strengthen our network. To provide a space for those who want to take action, to forge connections and to end with very strong and united calls for action.

Panellists:

Khaled Quzmar, General Director of DCI-Palestine and President of DCI Movement, highlights the ongoing suffering endured by Palestinian children since 1948. From systematic rights violations during military occupation to the devastating impact of conflict and genocide, more than 14,500 children have lost their lives in Gaza alone. The Israeli authorities' refusal to disclose detainee numbers reflects a culture of impunity.

We need to talk loudly about accountability systems, this is what is needed to stop the crimes. We are seeing the killing of humanity and of the human rights principle that we believe in. It is time for everyone to ask for accountability. As stated by the UN Secretary-General, Gaza is a graveyard for children. It is the biggest graveyard in the world, in particular for children. What is going on in Gaza and West Bank is a policy designed from the highest level in Israel.

In the West Bank the situation is different in terms of the numbers but is unprecedented; the Israeli army are conducting daily raids on Palestinian life to arrest, torture, and damage properties. Cities are surrounded by checkpoints which are targeting young people and children. Soldiers enjoy impunity for all violations.

Dr. Luigi Daniele, Senior Lecturer at Nottingham Law School, explains the legal framework protecting children in conflict. International humanitarian law (IHL) is based on equality of belligerents, irrespective of any qualification under *jus ad bellum*, even warring parties pursuing legitimate purposes under *jus ad bellum* are equally bound by *jus in bello*, and warring parties pursuing unlawful *jus ad*

bellum purposes are bound by the fundamental rules of warfare based on non-reciprocity. Even war crimes do not exempt the other party to conflict from respect nor generate any derogations from respect.

The hostilities in Gaza have removed the protections of civilians, in particular the special protection of children which is a fundamental customary rule of IHL², from which we can infer that children are entitled to a specific consideration even in proportionality assessments. Even lawful conduct of hostilities should give special protection to children when evaluating what can be considered lawful collateral damage.

More children have been killed in these few months in Gaza than in all the conflicts over the past 4 years, this alone should have triggered much



² Rule 135. Children affected by armed conflict are entitled to special respect and protection. <https://ihl-databases.icrc.org/en/customary-ihl/v1/rule135>

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prompter action by third states. The target of hostilities has been enlarged to include the entirety of Gaza. We have seen the direct incitement to genocide by Israeli officials.

Francesca Albanese, United Nations Special Rapporteur on the situation of human rights in the Palestinian territories, emphasises the urgent need for justice in the face of systemic oppression. Palestinian children are ensnared in a web of carcerality, deprived of the most basic protections afforded to them.

The international system still has to atone for the past and now we still do not see the Palestinian people as deserving of protection and support. The Israeli system built to 'unchild' all future generations is an attempt to destroy a society from its very roots. This is the start to genocidal practices that we are seeing in Gaza today. Genocide is in fact inherent to settler colonial practices.

What can we do moving forward:

- ⇒ We can do better, but we need to change path, we need to acknowledge what we have done to Palestinian children for generations, including the crimes against humanity that started long before 7th October.
- ⇒ Civil society needs to be in solidarity with those denouncing apartheid.
- ⇒ We need to undo the root causes of the violence, we need a ceasefire with accompanying measures such as ceasing arms transfers, ceasing diplomatic and financial support to Israel.
- ⇒ Justice needs to be ensured and for perpetrators to be held accountable.

Read the Special Rapporteur's latest reports:

- Report to the 78th UN General Assembly on the [human rights of Palestinian children in the Palestinian territories occupied since 1967](#) (20 October 2023)
- Report to the 55th UN Human Rights Council, '[Anatomy of a Genocide](#)' (25 March 2024)

Javier Aguilar, Regional Child Protection Adviser at UNICEF, underscores the imperative of safeguarding children amidst pervasive violence and disinformation. The normalisation of terror and the erosion of child rights demand steadfast advocacy and solidarity. The staggering toll of casualties and the profound trauma inflicted upon children necessitate immediate action to ensure their protection.

Human rights and child rights advocates have long warned about the violations of children's and women's rights, often justified under the guise of national security. Despite this, the core identity of Palestinians is under siege, with disinformation campaigns and threats to humanitarian efforts complicating matters. The Ministry of Health's figures, while likely underestimating the true toll, reveal alarming statistics: 2000 children are reported missing, 850 000 forcibly displaced, and an estimated 17,000 unaccompanied or separated from their parents. Injuries, including amputations, are widespread, with mental health interventions hindered by the lack of basic protections. The evacuation of 3000 children for medical procedures poses risks of separation, highlighting the urgent need for safe and voluntary returns to Gaza.

- ⇒ An immediate and long-lasting ceasefire is the only way to stop the massacre regarding children, they need water, food, medicine, support, and this is matter of life.
- ⇒ Support to frontline workers who are under immense pressure and have suffered a lot themselves, they are imperative to protecting children on the ground.
- ⇒ Also, it is imperative to keep monitoring and gathering data regarding child grave violations.

Benoit Van Keirsbilck, a Member of the UNCRC, emphasises the long-lasting consequences of the war on Palestinian children, noting that the trauma they endure will affect future generations. The

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rebuilding of Gaza, including homes, schools, and playgrounds, will require significant time and resources, with unexploded bombs and mines posing ongoing risks to children's safety.

The UN Committee on the Rights of the Child (UNCRC) monitors the implementation of the Convention on the Rights of the Child (CRC), in particular article 38 that provides a broad level of protection to children in armed conflict, stating that IHL and human rights law is to be applied to children.

States must implement and respect the convention in territories that the states exercise effective control, so this a clear provision for Israel to respect the CRC in the oPt. Palestine has ratified the 3rd Optional Protocol to the CRC on a communications procedure, so Israel is bound by OPIC through the fact they are occupying Palestine.

Despite this, Israel's postponement of its review by the UNCRC raises concerns about accountability. The International Court of Justice (ICJ) is considering claims under the genocide convention, signaling a potential for further legal action. Calls for accountability extend beyond Israel to all states involved in facilitating or supporting the conflict. Additionally, the UN's accountability mechanisms are challenged by financial constraints, further complicating efforts to address violations of children's rights.

** The recordings will be made available, so the link and the evolution of the debates can be conceived and communicated to the panellists and the audience. It will be conceived as a series of round tables to be made visible in the DCI website page for easier reference and communication through social media...*