

**Joint Parallel Report to the Committee on the Rights of the Child for its List of Issues  
on Israel's Third Periodic Report**

**Submitted by:**

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**مركز الميزان لحقوق الإنسان**  
**AL MEZAN CENTER FOR HUMAN RIGHTS**



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## **1. Introduction**

1. Al-Haq, Al Mezan Center for Human Rights, and the Community Action Center at Al-Quds University (hereinafter ‘our organisations’) submit this joint parallel report to the United Nations (hereinafter ‘UN’) Committee on the Rights of the Child (hereinafter ‘the Committee’) for consideration in its list of issues on the third periodic report submitted by Israel,<sup>1</sup> regarding its compliance with the Convention on the Rights of the Child (hereinafter ‘CRC’ or ‘the Convention’).<sup>2</sup>
2. For the Committee’s list of themes on Israel’s report, our organisations highlight the Israeli occupying authorities’ widespread and systematic human rights violations committed against the Palestinian people as a whole, including children, within the legal framework of international human rights and international humanitarian law. This submission examines Israel’s violation of its obligation to respect, protect, and fulfil the human rights of all Palestinians, including Palestinian children subject to Israel’s effective control, as Occupying Power, focusing on violations of the rights to life, health, housing, family, and education as well as freedom from arbitrary detention, including house arrests.

## **2. Israel’s settler-colonial and apartheid regime over the Palestinian people**

3. Palestinian children rights must be understood within the broader context of Israel’s settler-colonialism<sup>3</sup> and apartheid regime imposed over the indigenous Palestinian people as a whole, on both sides of the Green Line, and as refugees in diaspora denied their right of return since al-Nakba of 1948.<sup>4</sup> During al-Nakba, Zionist militias carried out more than 70 massacres in which more than 15 thousand Palestinians were killed between 1947 and 1948, destroyed 531 Palestinian villages, and forcibly expelled 800,000 Palestinians from their homes and properties.<sup>5</sup> Today, approximately 8.36 million Palestinian refugees worldwide, as well as some 439,171 displaced Palestinians within the Green Line continue to suffer prolonged refugeehood and displacement,<sup>6</sup> denied their inalienable right of return to their homes, lands, and property.<sup>7</sup> In 1967, Israel occupied the West Bank, including the eastern part Jerusalem, and the Gaza Strip, constituting the occupied Palestinian territory (OPT), as well as the occupied Syrian Golan.

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<sup>1</sup> State of Israel, Third Periodic Report submitted by Israel under Article 44 of the Convention, 8 March 2019, UN Doc CRC/C ISR/5-6 (hereinafter ‘State report’).

<sup>2</sup> Convention on the Rights of the Child (adopted 20 November 1989, entry into force 2 September 1990) (hereinafter ‘CRC’).

<sup>3</sup> Al-Haq, “90 Organisations Urge the UN Independent International Commission of Inquiry on Palestine to Recognise and Address Zionist Settler Colonialism and Apartheid as the Root Causes of Israel’s Ongoing Violations”, 28 June 2022, at: <https://www.alhaq.org/advocacy/20219.html>.

<sup>4</sup> Al-Haq, “Palestinian, regional, and international groups submit report on Israeli apartheid to UN Committee on the Elimination of Racial Discrimination”, 12 November 2019, at: <https://www.alhaq.org/advocacy/16183.html>.

<sup>5</sup> PCBS, “Dr. Ola Awad, reviews the conditions of the Palestinian people via statistical figures and findings, on the 72nd Annual Commemoration of the Palestinian Nakba”, at:

<https://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=3734>.

<sup>6</sup> BADIL, Survey of Palestinian Refugees and Internally Displaced Persons 2019-2021, Volume X, p. xvii.

<sup>7</sup> CESCR, Concluding Observations on Israel, 31 August 2001, UN Doc E/C.12/1/Add.69, para. 14. See also CERD, Concluding Observations on Israel, 14 June 2007, UN Doc CERD/C/ISR/CO/13, para. 18.

4. Since its establishment, Israel has institutionalised discriminatory laws, policies, and practices, which provided the legal basis for Jewish-Israeli domination over the Palestinian people as a whole, and seek to maintain a racialised regime of dispossession, domination, and systematic fragmentation of the Palestinian people. These Israeli discriminatory laws include the 1950 Law of Return and the 1952 Law of Citizenship, which exclusively grant Jewish the right to enter and obtain Israeli citizenship, while Palestinian refugees are categorically denied their right of return, as mandated by international law since al-Nakba.<sup>8</sup> Concurrently, the 1950 Absentee Property Law has stripped Palestinians of their rights through the confiscation of Palestinian land and property deemed “absentee property.”
5. The Committee has previously addressed Israel’s discriminatory laws. In its concluding observations on the second to fourth periodic reports of Israel, the Committee urged Israel “to include the prohibition of discrimination and the principle of equality in its Basic Laws and to undertake a comprehensive review of its legislation and policies to ensure that laws that discriminate against non-Jewish children be repealed without delay”.<sup>9</sup> Since then, Israel enshrined its constitutional legal foundations of its institutionalised racial oppression and domination over the Palestinian people including by adopting the Basic Law: Nation-State of the Jewish People in 2018, which states that “[t]he exercise of the right to national self-determination in the State of Israel is unique to the Jewish people” and determines “Jewish settlement as a national value”.<sup>10</sup> As such, the Basic Law gives constitutional force to the expansion of illegal Israeli colonial settlements in the OPT.<sup>11</sup>
6. Israel has strategically fragmented the Palestinian people into at least four separate geographic, legal, political, and administrative domains as a tool to impose and maintain apartheid, comprising: i. Palestinians with Israeli citizenship; ii. Palestinians of Jerusalem with a precarious “residency” status; iii. Palestinians in the rest of the West Bank and Gaza living under military occupation; and iv. Palestinian refugees denied the right to return to their homes, lands, and properties.<sup>12</sup> In doing so, Israel established an institutionalised regime of systematic racial oppression and domination over the indigenous Palestinian people as a whole, which is embedded in its settler-colonial regime and amounts to the crime of apartheid.<sup>13</sup> Since 2007, Israel has also maintained a land, sea and air blockade and comprehensive settler-colonial closure on the occupied Gaza Strip, imposing illegal collective punishment over two million

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<sup>8</sup> International Convention on the Elimination of All Forms of Racial Discrimination (adopted 7 March 1966, entry into force 4 January 1969) 660 UNTS 195 (hereinafter ICERD), Article 5.

<sup>9</sup> CRC, Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), 4 July 2013, UN Doc CRC/C ISR/CO/2-4, para. 22.

<sup>10</sup> Basic Law: Israel – The Nation State of the Jewish People, 2018.

<sup>11</sup> UN Security Council, Resolution 2334 (2016), 23 December 2016, UN Doc S/RES/2334, para. 1. See also, Al-Haq, “In a Joint Submission to UN Special Rapporteur, Organisations Highlight the Role of Israel’s Colonial Settlements in the Entrenchment of its Settler-Colonial and Apartheid Regime”, 4 May 2021, at: <https://www.alhaq.org/advocacy/18274.html>.

<sup>12</sup> See, Al-Haq, “Israel’s regime of institutionalised racial domination and oppression over the Palestinian people amounting to apartheid in violation of Article 3 of ICERD: Summary of joint parallel report to CERD”, at: [http://www.alhaq.org/cached\\_uploads/download/2019/12/02/191202-cerd-submission-fact-sheet-final1575320516.pdf](http://www.alhaq.org/cached_uploads/download/2019/12/02/191202-cerd-submission-fact-sheet-final1575320516.pdf); and Al-Haq, “Joint Oral Intervention to the 100th Session of CERD for the Review of Israel, 2 December 2019”, at: <http://www.alhaq.org/advocacy/16266.html>.

<sup>13</sup> Rome Statute of the International Criminal Court (adopted 17 July 1998, entry into force 1 July 2002) 2187 UNTS 3 (hereinafter ‘Rome Statute’), Article 7(1)(j).

Palestinians<sup>14</sup> and entrenching the fragmentation of the Palestinian people as part of Israel's settler-colonial apartheid regime.<sup>15</sup> With regards to Israeli policies towards the Gaza Strip, these have resulted in more than two million Palestinians living in an open-air prison and subjected to periodic barbarous military offensives. **It must be noted that children make up 47% of Gaza's population of around two million Palestinians, with over 800,000 of them having never known life without the closure.**<sup>16</sup>

7. In 2017, Israel's institutionalised regime of systematic racial oppression and domination over the indigenous Palestinian people as a whole was addressed and recognised by the UN Economic and Social Commission for Western Asia.<sup>17</sup> Similarly, the UN Committee on the Elimination of Racial Discrimination found that Israeli policies and practices of racial segregation and apartheid disproportionately impacting Palestinians on both sides of the Green Line, urging Israel "to eradicate all forms of segregation between Jewish and non-Jewish communities and any such policies or practices which severely and disproportionately affect the Palestinian population in Israel proper and in the Occupied Palestinian Territory".<sup>18</sup> Since then, different UN Special Rapporteurs, namely the former Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Michael Lynk, and the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, found that Israel is implementing and maintaining an apartheid regime in the OPT.<sup>19</sup>
8. Crucially, while such mounting recognition is important, our organisations stress that Israel's apartheid is imposed over the Palestinian people as a whole and is a "product and tool of [Israel's] colonialism".<sup>20</sup> In her latest report, the current Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, Francesca Albanese, highlighted that apartheid framework presents some limitations, if considered alone and not within the broader and holistic examination of the Palestinian struggle.<sup>21</sup> As outlined by the Special Rapporteur, these limitations include i. 'territorial' limitations, as most analyses limit themselves to the OPT, or to historic Palestine, failing to address the experience of the Palestinian people as a whole, including Palestinian refugees; ii. the focus on Israel's apartheid alone misses the inherent illegality of the Israeli occupation of the OPT; and iii. the apartheid framework

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<sup>14</sup> See, for example, Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Michael Lynk, 15 July 2020, UN Doc A/HRC/44/60, para. 60.

<sup>15</sup> Al Mezan, The Gaza Bantustan—Israeli Apartheid in the Gaza Strip, at:

<http://mezan.org/en/uploads/files/16381763051929.pdf>.

<sup>16</sup> Save the Children, Trapped: The impact of 15 years of blockade on the mental health of Gaza's children, at: [https://resourcecentre.savethechildren.net/pdf/gaza\\_blockade\\_mental\\_health\\_palestinian\\_children\\_2022.pdf/](https://resourcecentre.savethechildren.net/pdf/gaza_blockade_mental_health_palestinian_children_2022.pdf/).

<sup>17</sup> ESCWA, Israeli Practices towards the Palestinian People and the Question of Apartheid, Palestine and the Israeli Occupation', 2017, UN Doc E/ESCWA/ECR/2017/1.

<sup>18</sup> CERD, Concluding observations on the combined seventeenth to nineteenth reports of Israel, 12 December 2019, UN Doc CERD/C ISR/CO/17-19, para. 23.

<sup>19</sup> See, OHCHR, Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967, 21 March 2022, UN Doc A/HRC/49/87; and OHCHR, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on ecological crisis climate justice and racial justice, 25 October 2022, UN Doc A/77/2990.

<sup>20</sup> Rania Muhareb and Pearce Clancy, 'Palestine and the Meaning of Domination in Settler Colonialism and Apartheid', 2021, 6 Revista Repùblica y Derecho 1, 22.

<sup>21</sup> OHCHR, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, 21 September 2022, UN Doc A/77/356, para. 10.

by itself does not address the root causes of the Palestinian struggle; embedded in settler-colonialism.<sup>22</sup>

9. Critically, the erasure of the Palestinian people, a staple of Zionist policy since al-Nakba, is reflected in Israel's State report to the Committee, which does not once refer to Palestine, the Palestinian people, or Palestinians. **Even in referring to Palestinian citizens within the Green Line, the State report erases Palestinian identity by referring to them as “the Arab population” or “the Arab children”.**<sup>23</sup> Seven decades on, al-Nakba continues as a continual process of erasure, displacement, oppression, and dispossession of the Palestinian people – a people yet able to exert their individual and collective rights, including to self-determination and return. **Accordingly, we urge the Committee to recognise, address and consider Palestinian children rights within the framework of Israel's settler-colonialism and apartheid regime.**

### 3. Applicability of the Convention in the OPT and the occupied Syrian Golan

10. In addition to entrenching its erasure of Palestinians in its State report, Israel further seeks to absolve itself of its legal obligations to respect, protect, and fulfil the human rights of the Palestinians in the OPT and Syrians in the occupied Syrian Golan under its effective control, by virtue of prolonged and unlawful Israeli military occupation since 1967.<sup>24</sup> Specifically, the State report completely disregards Israel's effective control over the Gaza Strip and the illegally-annexed east Jerusalem and Syrian Golan and wrongly maintains that “the Convention [...] does not apply, nor was it intended to apply, to areas beyond a state's national territory.”<sup>25</sup> Indeed, this paragraph clearly conflicts with the longstanding position of UN treaty bodies,<sup>26</sup> including the Committee,<sup>27</sup> that international human rights treaties ratified by Israel are applicable for the benefit of Palestinians in the OPT, and Syrians in the occupied Syrian Golan.
11. Israel's attempt to argue the inapplicability of the Convention by limiting the geographical scope of application of the CRC to the “state's national territory” represents a narrow and flawed interpretation of the concept of jurisdiction. Indeed, Article 2 of the Convention extends the protection offered to “*each child within [the State parties] jurisdiction without discrimination of any kind*, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status [emphasis added]”.<sup>28</sup> Notably, the International Court of Justice, in its Advisory Opinion on the legal consequences of the construction of a wall in the OPT, inferred

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<sup>22</sup> *Ibid.*

<sup>23</sup> State report, paras. 35, 116, 156, and 193.

<sup>24</sup> On the illegality of the Israeli occupation of the OPT, see, for example, UNGA, “Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel”, 14 September 2022, UN Doc A/77/328.

<sup>25</sup> State report, para. 9.

<sup>26</sup> CERD, Concluding observations on the combined seventeenth to nineteenth reports of Israel, 12 December 2019, UN Doc CERD/C ISR/CO/17-19, paras. 9-10; CESCR, Concluding Observations on Israel, 12 November 2019, UN Doc E/C.12/ISR/CO/4, paras. 6-7; CEDAW, Concluding observations on the sixth periodic report of Israel, 17 November 2017, UN Doc CEDAW/C ISR/CO/6, paras. 14-15; CAT, Concluding observations on the fifth periodic report of Israel, 3 June 2016, UN Doc CAT/C ISR/CO/5, paras. 8-9.

<sup>27</sup> CRC, Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), 4 July 2013, UN Doc CRC/C ISR/CO/2-4, para. 2.

<sup>28</sup> CRC, Article 2.

from this Article that the “Convention is therefore applicable within the Occupied Palestinian Territory”.<sup>29</sup>

**12. Considering that the applicability of the Convention to the OPT and the occupied Syrian Golan is beyond dispute, we urge the Committee to reiterate the applicability of the CRC for the benefit of children in the OPT and in the occupied Syrian Golan, and to call on Israel, the Occupying Power, to respect, protect, and fulfil the rights of all children under its effective control as well as to report to the Committee on its compliance with the Convention therein.**

#### **4. Israel’s violation of the right to life**

13. The Committee has previously urged the State to “put an end to all killings and injuring of children, investigate immediately and effectively all such crimes, bring the perpetrators to justice and take all necessary measures to provide child victims of these human rights violations with possibilities for adequate compensation, recovery and social reintegration”.<sup>30</sup> Until present, Israel, in violation to its legal responsibilities, including per Article 6(1) of the Convention, continues to systematically resort to lethal and other excessive force, including by implementing its shoot-to-kill policy, as a tool of oppression and domination, targeting Palestinians on both sides of the Green Line, including Palestinian children.

14. With complete disregard to the Committee’s recommendation to “[t]ake all necessary measures to prevent further incidents of excessive use of force and in particular review all regulations on the use of live ammunitions”,<sup>31</sup> Israeli occupying forces (IOF) have escalated their use of lethal and other excessive force against Palestinians in the OPT.

15. As of 30 September 2022, the IOF have killed 144 Palestinians, **including 33 children**, since the start of the year. Of these, 95 Palestinians, **including 24 children**, were killed in the occupied West Bank, whereas 49 Palestinians, **including nine children** were killed during Israel’s latest military aggression on the Gaza Strip in August 2022.<sup>32</sup> The IOF’s widespread and systematic policy of use of lethal force against all Palestinians, including Palestinian children, may amount to war crimes of wilful killing, as grave breaches under Article 147 of the Fourth Geneva Convention, and contribute to the commission of the crimes against humanity of murder,<sup>33</sup> persecution,<sup>34</sup> and apartheid,<sup>35</sup> within the jurisdiction of the International Criminal Court (ICC).

16. 2022 witnessed a grave escalation in Israel’s military incursions into Palestinian cities in the West Bank, and the unnecessary and disproportionate use of force by the IOF, facilitated by its ‘shoot-to-kill’ policy, resulting in an alarming and disturbing surge that has not been recorded since 2015. During Israel’s military incursions and

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<sup>29</sup> ICJ, “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, Advisory Opinion, 9 July 2004, (hereinafter “Wall Advisory Opinion”), para. 113.

<sup>30</sup> CRC, Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), 4 July 2013, UN Doc CRC/C ISR/CO/2-4, para. 26.

<sup>31</sup> CRC, Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), 4 July 2013, UN Doc CRC/C ISR/CO/2-4, para. 26(a).

<sup>32</sup> Figures provided by Al-Haq’s Monitoring and Documentation Department covering the period from 1 January 2022 until 30 September 2022.

<sup>33</sup> Rome Statute, Article 7(1)(a).

<sup>34</sup> Rome Statute, Article 7(1)(h).

<sup>35</sup> Rome Statute, Article 7(1)(j).

confrontations with Palestinians, the IOF routinely resorts to the harassment and targeting Palestinian journalists and academics, including by firing live ammunition, which hinders their ability to document the Israeli violations,<sup>36</sup> and provide needed first aid to injured Palestinians.<sup>37</sup>

17. Since 1967, Israel has applied an inconsistent policy of withholding the bodies and remains of hundreds of Palestinians, including children, to be used as bargaining chips. In 2004, Israeli Attorney-General Menachem Mazuz issued a directive, stating that there may be “exceptional justifications” for withholding corpses including “a concrete prisoner exchange deal with enemy groups”.<sup>38</sup> For almost ten years following that directive, Israel temporarily halted the policy of mass withholding of bodies. Nonetheless, the policy to withhold bodies *en masse* resurfaced in October 2015. Between then and June 2020, Israel withheld the bodies of more than 250 Palestinians killed by the IOF.<sup>39</sup> As of August 2022, Israel has withheld 102 Palestinian bodies in refrigerators including the bodies of **ten Palestinian children**.<sup>40</sup> Similarly, in 2018, the Israeli Parliament passed a new amendment to the Israeli Counterterrorism Law (Amendment No. 3 2018), which was later upheld by the Israeli Supreme Court,<sup>41</sup> granting Israel the power to withhold the bodies of Palestinian citizens of Israel and Palestinian Jerusalemites killed by the IOF.<sup>42</sup>
18. Since its unilateral imposition of the total closure and blockade in 2007, Israel has carried out five full-scale military offensives against the Gaza Strip.<sup>43</sup>
19. In late December 2008, Israel launched a major offensive against Gaza (“Cast Lead”), which resulted in the killing of 1,411 Palestinians, of whom 1,179 were civilians, including **343 children**.<sup>44</sup> In November 2012, Israel launched a full-scale military offensive (“Pillar of Defense” or “Pillar of Cloud”) which lasted for eight days. During this offensive, Israel killed 171 Palestinians, of whom 130 were civilians, including **34 children**, and injured another 1,046, **including 446 children**. Moreover, 124 civilian

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<sup>36</sup> Hadas Gold and Abeer Salman, “One man killed, two journalists injured during Israeli military raid in West Bank”, CNN, 5 October 2022, at: <https://edition.cnn.com/2022/10/05/middleeast/israeli-military-raid-west-bank-intl/index.html>.

<sup>37</sup> MAP, “MAP Condemns Attacks on Health Workers, Escalating Violence against Palestinians in the West Bank”, 10 October 2022, at: <https://www.map.org.uk/news/archive/post/1392-map-condemns-attacks-on-health-workers-escalating-violence-against-palestinians-in-the-west-bank->.

<sup>38</sup> Al-Haq, “Human Rights Groups Submit to UN experts on the Israeli policy of withholding the mortal remains of indigenous Palestinians”, 27 June 2020, at: <https://www.alhaq.org/advocacy/17033.html>.

<sup>39</sup> *Ibid.*

<sup>40</sup> Middle East Monitor, “Palestinian families campaigning for Israel to return their children’s bodies,” 14 August 2022, at: <https://www.middleeastmonitor.com/20220814-palestinian-families-campaigning-for-israel-to-return-their-childrens-bodies/>.

<sup>41</sup> Al-Haq, “Israeli High Court of Justice Upholds Israel’s Policy of Withholding the Bodies of Palestinians Killed”, 16 September 2019, at: <https://www.alhaq.org/advocacy/15175.html>.

<sup>42</sup> Al-Haq, “Newly Adopted Law to Withhold the Bodies of Palestinians Killed Breaches International Law, Must be Repealed”, 14 March 2018, at: <https://www.alhaq.org/advocacy/6261.html>.

<sup>43</sup> In addition to these four major military offensives, throughout the years, Israel has routinely and sporadically attacked the Gaza Strip by raids, missiles, and artillery shells. See, for example, Al Mezan, Israeli Forces Launch Over 100 Raids on Gaza, Kill Eight Persons and Destroy Public and Private Property, 5 May 2019, at: <http://mezan.org/en/post/23521>.

<sup>44</sup> Al Mezan, Statistical Report on: Persons Killed and Property Damaged or Destroyed in the Gaza Strip by the Israeli Occupation Forces during Operation Cast Lead (27 December 2008 – 18 January 2009), at: <https://www.mezan.org/en/uploads/files/8941.pdf>.

homes were destroyed and 2,050 damaged, impacting the lives of 20,884 residents.<sup>45</sup> The impact of Israel's military offensives does not only directly threaten the right to life of Palestinian children, but also to the right not to be separated from their parents. For instance, during Israel's offensive against Gaza between 14-21 November 2012, **261 Palestinian children lost one of their parents.**<sup>46</sup>

20. Between July and August 2014, Israel launched a 51-day military offensive on the Gaza Strip ("Operation Protective Edge"). The offensive resulted in the killing of 2,219 Palestinians, most of whom were civilians, and **of whom 556 were children (25% of the total casualties) while another 2,647 were injured.**<sup>47</sup> Israel conducted a large-scale military offensive against the Gaza Strip between 10 and 21 May 2021. In these 11 days, 240 Palestinians were killed by Israeli forces, of whom at least 151 were civilians. **Sixty children were killed and another 636 were among the 1,979 people injured.**
21. Following the 51-day military assault on Gaza in 2014, Al Mezan submitted 125 well-substantiated complaints of criminal conduct to the Israeli Military Advocate General (MAG).<sup>48</sup> The evidence in these cases suggested that the attacks were carried out in violation of the principles of distinction and proportionality and appeared to amount to grave breaches of international humanitarian law. Concerning the overall ~400-500 criminal complaints submitted to the investigative mechanism following the 51-day military assault, zero indictments were issued for serious violations of international law—namely for killing and serious injury. The only indictments that were issued concerned a case of three soldiers convicted of theft, a low-level crime.
22. Roughly every Friday from 30 March 2018 to 28 March 2020, thousands of Palestinians participated in the "Great March of Return" (GMR) demonstrations along the buffer zone at the separation fence between Gaza and Israel, demanding an end to Israel's settler-colonial closure and the right of return for Palestinian refugees. The GMR demonstrations drew large and diverse crowds of participants—including youth and children—and remained largely peaceful and non-violent.<sup>49</sup> Regardless of the fact that no genuine threats were posed to Israeli soldiers, the IOF responded to the demonstrations with the use of lethal and other excessive force—including live and high-velocity ammunitions, rubber-coated metal bullets, snipers, and other types of crowd-control weapons, such tear gas canisters—directly targeting protesters, media and medical personnel.

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<sup>45</sup> Al Mezan, Statistical Report on: Persons Killed and Property Damaged in the Gaza Strip by the Israeli Occupation Forces during "Operation Pillar of Cloud" (14–21 November 2012), at: <https://www.mezan.org/en/uploads/files/17207.pdf>.

<sup>46</sup> *Ibid.*

<sup>47</sup> Al Mezan, "Operation Protective edge in Numbers" — A Statistical Report on Civilian Casualties and Destruction of Property by the Israeli Occupation Forces between 7 July and 26 August 2014", at: <https://mezan.org/en/uploads/files/14598458701382.pdf>.

<sup>48</sup> Al Mezan and Adalah, "Gaza 3 Years On: Impunity Over Accountability – Israel's unwillingness to investigate violations of international law in the Gaza Strip ", 28 August 2017, at: <https://www.mezan.org/en/uploads/files/15039098601678.pdf>.

<sup>49</sup> Al Mezan, "Attacks on Unarmed Protesters at the "Great March of Return" Demonstrations. A Two-Year Report from the Start of Demonstrations on 30 March 2018", April 2020, at: <https://www.mezan.org/en/uploads/files/15952354571567.pdf>.

23. As the GMR demonstrations took place in a law enforcement paradigm, the conduct of the IOF was governed by international human rights law, under which lethal force can only be used as a last resort to protect against an imminent threat to life and when other, less forceful measures have been exhausted. This view is shared, amongst others, by the UN Independent Commission of Inquiry (CoI) appointed by the Human Rights Council in its resolution S-28/1 and mandated to investigate all alleged violations and abuses of international human rights and humanitarian law during the GRM demonstrations up to 31 December 2018. In particular, the CoI held that “[t]he demonstrations were civilian in nature, had clearly stated political aims and, despite some acts of significant violence, did not constitute combat or a military campaign. Thus, the legal framework applicable to policing the protests was that of law enforcement, based in international human rights law. This assessment did not change following the commission’s investigation into the demonstrators’ affiliation to or membership in organised armed groups.”<sup>50</sup> Notwithstanding, facts on the ground shows that the Israeli military consistently used lethal and excessive force in circumstances that could not be justified under international human rights law, **ultimately killing 217 Palestinians at the protests—including children, women, journalists, paramedics, and persons with disability—while wounding and traumatising thousands more.**<sup>51</sup>
24. These figures indicate that the IOF indiscriminately and disproportionately attacked and targeted participants of the GMR demonstrations regardless of the fact that they were children, journalists, or paramedics. For instance, on several occasions the IOF fired tear gas canisters directly at protesters, launching the canisters in handheld launchers, mounted launchers, and by drone. Al Mezan’s documentation shows that, between March 2018 and March 2020, **Israel’s response to the GMR resulted in the killing of 48 children**, nine persons with disabilities, and two women, and injury of 4,974 children and 867 women. **With regards to children**—in relation to whom the obligation to respect the right to life holds heavier weight—the CoI found that the IOF “used lethal force against children who did not pose an imminent threat of death or serious injury to its soldiers”, and that “several children were recognizable as such when they were shot.”<sup>52</sup> The CoI also found “reasonable grounds to believe that Israeli snipers shot them intentionally, knowing that they were children.”<sup>53</sup>
25. Concerning the IOF’s use of force during the GMR demonstrations in Gaza, Al Mezan submitted 391 well-substantiated complaints of criminal conduct, in particular involving killing and serious injury, to the MAG. **Only one prosecution was pursued and concerned the killing of an unarmed child O. A. H, for which the soldier was convicted of abuse of authority in a manner that endangers human life and given a 30-day prison sentence to be served through military-related labour.**<sup>54</sup> The sentence, woefully inadequate, amounts to another form of impunity.

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<sup>50</sup> HRC, Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory, 6 March 2019, UN Doc A/HRC/40/74, para. 32

<sup>51</sup> Al Mezan, *supra* note 44.

<sup>52</sup> Report of the detailed findings of the independent international Commission of inquiry on the protests in the Occupied Palestinian Territory, UN Doc A/HRC/40/CPR.2, paras. 518-9.

<sup>53</sup> *Ibid.*, para. 519.

<sup>54</sup> Al Mezan, “Israeli Soldier Sentenced for Failure to Follow Orders Instead of Killing of Child: Leniency Attests to Entrenched Impunity”, 31 October 2019, at: <http://mezan.org/en/post/23599>.

26. Further, Israel maintains a justice system that continues to ensure, largely through Amendment No. 8 to the Israeli Civil Wrongs (Liability of the State) Law of 1952, that Gaza's victims and their families are denied effective remedies, including equal and effective access to justice and reparations. An example of the application of this law concerns the case of **A. N.—a 15-years-old student in Gaza who was shot in the spine near the separation fence by the IOF**. As a result of the shooting, A. became a paraplegic, confined to a wheelchair for the rest of his life.<sup>55</sup> Al Mezan and Adalah filed a case on behalf of the A.'s family against the Israeli military for the shooting and wounding of their child to Israel's Beer Sheva District Court. The case was initially rejected by the Beersheva District Court in 2018 under Amendment No. 8. Al Mezan and Adalah appealed the judgement to the Israeli Supreme Court, which, on 5 July 2022, rejected the appeal thus proving impunity for criminal actions committed by the Israeli military.
27. On 23 June 2022, the UN Secretary General, Antonio Guterres, issued his Children and Armed Conflict report, which highlighted Israel's systematic policy of killing and maiming Palestinian children during its military aggressions against the Gaza Strip, in airstrikes on densely populated areas and through the use of live ammunition during law enforcement operations. The report further urged Israel "to review and strengthen their procedures to prevent any excessive use of force [and] to continue to investigate each case where live ammunition was used, as required by procedure, and to pursue accountability for violations against children".<sup>56</sup> While Israel is yet to be listed, the report further noted that "should the situation repeat itself in 2022, without meaningful improvement, Israel should be listed".<sup>57</sup>
28. Over the years, Israeli settlers, under the protection of the IOF and with impunity,<sup>58</sup> have also increased their targeted attacks against Palestinians, including by beatings, throwing stones, shooting at Palestinians with live ammunition, torching agricultural lands, trees and cars, uprooting trees, confiscating and pillaging natural resources, including land and water, attacking and suppressing peaceful assemblies, denying access to property and to sources of livelihood, and spray-painting hate speech on cars, walls and other Palestinian properties.<sup>59</sup>
29. Crucially, this settler violence is encouraged by Israeli officials, including Itamar Ben-Gvir, a member of the Israeli Parliament, who recently raided Sheikh Jarrah neighbourhood with Israeli settlers, and was videotaped pulling out his gun and telling settlers: "if [Palestinians] throw stones, shoot them".<sup>60</sup> These encouragements, as well as the climate of impunity granted to Israeli settlers, have led to the killing of Palestinian children. On 2 July 2014, Israeli settlers abducted a 16-year-old Palestinian child from a street near his home in Shu'fat in the eastern part of occupied Jerusalem, burned him

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<sup>55</sup> Al Mezan and Adalah, "Israel gives itself immunity from all damage claims filed by Gazans harmed by Israeli troops; Adalah, Al Mezan appeal to Supreme Court", 10 January 2019, available at: <http://mezan.org/en/post/23370>.

<sup>56</sup> General Assembly, Report of the Secretary-General: children and armed conflict, 23 June 2022, UN Doc A/76/871-S/2022/493, para. 93.

<sup>57</sup> *Ibid.*, para. 303.

<sup>58</sup> Al-Haq, "Institutionalised Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory", 2013, at: <https://www.alhaq.org/publications/8072.html>.

<sup>59</sup> Al-Haq, "Special Focus: Yitzhar Settler Violence is on the Rise", 5 January 2021, at: <https://www.alhaq.org/advocacy/17738.html>.

<sup>60</sup> Edo Konrad, Twitter post, 13 October 2022, at: <https://twitter.com/edokonrad/status/1580655802666586113>.

alive, and then left his charred body in the village of Deir Yassin in occupied Jerusalem.<sup>61</sup> In a similar attack, on 31 July 2015, a group of Israeli settlers raided the Palestinian village of Duma, and set a Palestinian house on fire; killing the father, mother, and their eighteen-month old infant, and leaving a four-year old child suffering from severe burns.<sup>62</sup>

**30. Accordingly, we urge the Committee to request information on measures taken by the Israeli occupying authorities to end their systematic use of lethal force, including shoot-to-kill policy, including against Palestinian children, and to bring Israel's rules of engagement for the use of live fire into compliance with international human rights law. Furthermore, we urge the Committee to request information on steps taken by the Israeli occupying authorities to end settler violence, perpetrated against Palestinians, including Palestinian children. To bring an end to Israeli impunity, we further urge the Committee to acknowledge that Israeli judicial systems are unwilling to genuinely prosecute international crimes committed against Palestinians and to demand international justice and accountability for Palestinian victims at the ICC. Furthermore, we urge the Committee to recommend the UN Secretary-General to immediately list the IOF in the list of shame for violations against children in armed conflict.**

## **5. Israel's violation of the right to health**

31. Israel's unlawful use of force have also affected the Palestinian right to health. Between 1 January and 10 October 2022, OCHA reported 8,301 Palestinian injuries, including 536 caused by live ammunition, in the occupied West Bank, with around ten per cent of the injuries sustained by Palestinian children. Throughout the OPT, the IOF employs its policy of 'shoot-to-maim', as clearly noticeable and documented during the GRM in the Gaza Strip.<sup>63</sup>

32. Israel's closure policy and related restrictions, decades of occupation, repeated military incursions, and regular military bombardments have crippled Gaza's healthcare system to the point of being unable to meet the needs of its population. By limiting the movement of people and goods, the Israeli occupying authorities impose severe restrictions on the import of supplies and medical equipment under the pretext of their 'dual-use' and block access to essential medicines and specialised personnel. As a consequence, every year thousands of Palestinian patients from Gaza struggle to receive adequate medical treatment—especially cancer patients, as radiotherapy and chemotherapy treatments are largely unavailable in Gaza—and are forced to seek urgent and lifesaving medical treatment outside the Strip by being referred to hospitals in the West Bank, including occupied Jerusalem, in Israel, and abroad.

33. Palestinian residents of the Gaza Strip seeking to travel via Israeli-controlled crossings must first obtain the requisite Israeli-issued exit permit through the complex, arbitrary, and discriminatory permit regime maintained by Israel under the guise of "security"

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<sup>61</sup> Al-Haq, "Recent Abductions and Killings Require International Action to End the Illegal Israeli Settlement Policy", 5 July 2014, at: <https://www.alhaq.org/advocacy/6639.html>.

<sup>62</sup> Al-Haq, "Special Focus on Palestinian Children: Targeting Palestine through its Future", December 2015, at: [https://www.alhaq.org/cached\\_uploads/download/alhaq\\_files/publications/Special.Focus.on.children.pdf](https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Special.Focus.on.children.pdf).

<sup>63</sup> Al-Haq, "Israel Deliberately Injures and Maims Palestinian Civilians, Prevents Evacuation of Wounded, and Denies Access to Vital Healthcare Facilities Outside the Gaza Strip", 18 April 2018, at: <https://www.alhaq.org/monitoring-documentation/6243.html>.

justifications and requirements. This also applies to medical patients and their carers, who are required to obtain Israeli-issued exit permits to access essential health services in hospitals outside Gaza. Yet, patient applications to travel via the Israeli-controlled Erez crossing are continuously delayed or denied without any clear justification.<sup>64</sup> For patients who are denied or deferred permission, consequences can be fatal: Al Mezan's documentation shows that between 2011 and 2021, 69 medical patients, including **eight children, died after Israel denied or deferred their permits to receive medical treatment outside of Gaza.**

34. **Accordingly, we urge the Committee to request information on measures taken by the Israeli occupying authorities to fulfil the right to health to Palestinian children, including to healthcare for Palestinian patients from Gaza and the rest of the OPT, and to implement the recommendations of the CoI, amongst other international bodies and experts, to lift the Gaza closure. We further urge the Committee to examine the IOF's deliberate policy to permanently disable Palestinians, including through its 'shoot-to-maim' policy, in violation of Palestinians' right to physical and mental health.**

## 6. Israel's policy of house-arrests of Palestinian Jerusalemite children

35. In Jerusalem, the IOF routinely and systematically relies on child house-arrest, as one of its means to ensure its control and domination over Palestinians. This practice is implemented as an alternative for an actual detention in a detention facility. Nonetheless, it is an incarceration that carries damaging psychological, social and economic consequences on the whole family, most remarkably on children and mothers. When a Palestinian Jerusalemite child is arrested by the Israeli occupying police interrogation, the detention can last 10 to 20 days before an indictment is submitted, and restrictions on child's freedom of movement can last up to six months until a verdict is reached.<sup>65</sup>
36. In such events when the Palestinian Jerusalemite child is sent to house-arrest, a guarantor must be appointed to ensure that the home detention and its conditions are fulfilled. The guarantor pledges before the Israeli court that "I will stay home and will not leave the respondent alone in any way. If he escapes, I will call the police".<sup>66</sup> Deviation from that role entails large fines, therefore, the guarantor apprehension intensifies and he/she becomes stricter with the child. Usually, this guarantor is the child's mother, who becomes a prison guard for her son. This practice effectively activates the family members to enforce Israel's domination and control in their own homes, and generates a mode of state violence inside the house, whereby the parents become jailers. At the same time, the parents are also imprisoned themselves, because their communal and economic participation is significantly reduced, and thus their freedom of movement is heavily restricted.
37. The practice of house-arrest for children in the eastern part of Jerusalem, although justified to be rehabilitative rather than punishment-oriented, is actually unchiling the child, rendering the parent a state agent and effectively expanding the Israeli settler-

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<sup>64</sup> Al Mezan, Fact Sheet: Torture and Cruel, Inhuman and Degrading Treatment. Gaza, Occupied Palestine, 1 Nov. 2015 - 31 Oct. 2016, at: <http://www.mezan.org/en/post/21654>.

<sup>65</sup> Nadera Shalhoub-Kevorkian and Amir Marshi, "Iron Caging the Palestinian Home Child Home Arrest in Occupied East Jerusalem as Lawfare", (2021) 85 Jerusalem Quarterly 106, p. 118.

<sup>66</sup> *Ibid.*, p. 120

colonialism to infiltrate and redesign the dynamics within the Palestinian family. The juxtaposed penological system installed, which includes, *inter alia*, police phone calls and check-ins, social workers, and surveillance, penetrates the Palestinian family, governs the family unit, and instils fear within it.

38. Some Palestinian children from the eastern part of Jerusalem are pulled out of their bed at night, taken to interrogation facilities, and made wait for long hours for their interrogation to begin. The waiting time tires them, to the extent of breaking them, and only then they are interrogated. Usually the parents are excluded from the process, and in many instances the child goes under interrogation without consulting with a lawyer and without knowing his/her rights.<sup>67</sup>
39. **Accordingly, we urge the Committee to request information on steps taken by the Israeli occupying authorities to protect the freedom from arbitrary detention, including house arrests, to Palestinian children.**

## 7. Israel's violation of right to housing

40. Since 1967, Israel has designed, created, and maintained various policies and practices that aim to create conditions leading to the transfer of the Palestinians, including by force and by creating coercive environment, thereby maintaining and entrenching its settler-colonial apartheid regime.<sup>68</sup> Since 2012, Israel has considerably entrenched its colonial settlement enterprise through, *inter alia*, Palestinian house demolitions and forcible transfers, while concurrently maintaining, expanding and constructing new colonial settlements throughout the occupied West Bank. In 2016, the former UN Secretary-General, Ban-Ki Moon, noted, “[t]he creation of new facts on the ground through demolitions and settlement-building raises questions about whether Israel’s ultimate goal is in fact to drive Palestinians out of certain parts of the West Bank”.<sup>69</sup>
41. Through creating and implementing discriminatory planning and zoning regimes, movement restrictions, settler violence, and the pillaging of natural resources, Israel hinders the Palestinian ability to fulfil their basic needs and livelihoods, and is enabled to maintain its colonial settlement enterprise, which “privileges” Israeli settlers illegally residing in an occupied territory,<sup>70</sup> and constitutes “the engine for this forever occupation”.<sup>71</sup> Until present, Israel continues to discriminatory manage the planning and zoning in Area C of the West Bank, which constitutes around 60 per cent of the area. Notably, the Israeli Civil Administration merely allocated less than one per cent

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<sup>67</sup> B'Tselem and HaMoked, “Unprotected: The Detention of Palestinian Teenagers in East Jerusalem”, October 2017, at: [https://www.btselem.org/download/201710\\_unprotected\\_summary\\_eng.pdf](https://www.btselem.org/download/201710_unprotected_summary_eng.pdf).

<sup>68</sup> Al-Haq, “In a Joint Submission to UN Special Rapporteur, Organisations Highlight the Role of Israel’s Colonial Settlements in the Entrenchment of its Settler-Colonial and Apartheid Regime”, 4 May 2021, at: <https://www.alhaq.org/advocacy/18274.html>.

<sup>69</sup> United Nations Meetings Coverage and Press Releases, “Accelerated Settlement Activity Casts Doubt on Israel’s Commitment to Two-State Solution, Secretary-General Tells Security Council”, 18 April 2016, at: <http://www.un.org/press/en/2016/sc12327.doc.htm>.

<sup>70</sup> OHCHR, “Israel’s 55-year occupation of Palestinian Territory is apartheid- UN human rights expert”, 25 march 2022, at: <https://www.ohchr.org/en/press-releases/2022/03/israels-55-year-occupation-palestinian-territory-apartheid-un-human-rights>; see also Al-Haq, “Special Focus: 55-years too long, a lethal occupation fuelled by international inaction”, 8 June 2022, at: <https://www.alhaq.org/advocacy/20136.html>.

<sup>71</sup> HRC, “Situation of human rights in the Occupied Palestinian Territory, including East Jerusalem, with a focus on the legal status of the settlements”, 29 July 2021, UN Doc A/HRC/47/57, para. 74.

of Area C for Palestinian development,<sup>72</sup> as building permits are rarely issued,<sup>73</sup> with around only one per cent of all applications are approved.<sup>74</sup> In contrast, Israel encourages Israeli settlers to move to the colonial settlements, including by facilitating financial incentives and subsidies, allowing settlers to participate in full consultation and decision-making, and providing an ample supply of infrastructure and services.

42. Similarly, Israel's discriminatory planning and zoning regime in the eastern part of Jerusalem is used to minimise and erase the Palestinian presence in the occupied city. In addition to Israel's discriminatory Legal and Administrative Matters Law, which allows Israelis to lodge "claims to land and property allegedly owned by Jews in East Jerusalem prior to the establishment of the State of Israel,"<sup>75</sup> Palestinian dispossession in Jerusalem is rooted in Israel's planning regime in Jerusalem. This regime entails, *inter alia*, denial of access to adequate municipal services, as well as denial of access to building permits behind onerous and excessive costs, and designations of areas for non-residential purposes.<sup>76</sup> As such, Palestinian Jerusalemites, as Palestinians in Area C, are left with no other option but to build without a building permit. Notably, Palestinian Jerusalemites are further forced to self-demolish, to escape the Israeli judiciary orders to have the houses demolished by the Jerusalem Municipality and for the owners to pay a large fine.<sup>77</sup>
43. Israel's policy of demolishing Palestinian structures is widespread and systematic. Since 2019, Israel has demolished 853 Palestinian homes in the occupied West Bank, displacing 911 families, including 1554 Palestinian children.<sup>78</sup> In 2020, the year of a global pandemic, Al-Haq documented a surge in demolitions of Palestinian private and public structures, amounting to twice the average number of structures destroyed on annual basis over the past 10 years.<sup>79</sup> Specifically, the Israeli occupying authorities demolished 248 residential houses, resulting in the displacement of 941 Palestinians, including 442 children, in 2020.<sup>80</sup> Of these demolished houses, 169 were located in Area C, and were demolished on the grounds of not acquiring building permits.<sup>81</sup> In 2021, Al-Haq documented the destruction of 233 Palestinian homes in the West Bank.<sup>82</sup> Of these, 69 homes were located in the eastern part of occupied Jerusalem, whereas 161

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<sup>72</sup> OCHA, "Humanitarian Factsheet in Area C of the West Bank", July 2011, at:

[https://www.ochaopt.org/sites/default/files/ocha\\_opt\\_Area\\_C\\_Fact\\_Sheet\\_July\\_2011.pdf](https://www.ochaopt.org/sites/default/files/ocha_opt_Area_C_Fact_Sheet_July_2011.pdf).

<sup>73</sup> OHCHR, "UN experts condemn Israel's demolition of houses in Palestinian Bedouin community," 19 November 2020, at: <https://www.ohchr.org/en/press-releases/2020/11/un-experts-condemn-israels-demolition-houses-palestinian-bedouin-community?LangID=E&NewsID=26522>.

<sup>74</sup> Hagar Shezaf, "Israel Rejects Over 98 Percent of Palestinian Building Permit Requests in West Bank's Area C," Haaretz, 21 January 2020, at: <https://www.haaretz.com/israel-news/2020-01-21/ty-article/.premium/israel-rejects-98-of-palestinian-building-permit-requests-in-west-banks-area-c/0000017f-f7ce-d044-adff-f7ff0b250000>.

<sup>75</sup> OCHA, "Imminent eviction of Palestinian family in East Jerusalem", 13 February 2019, at:  
<https://www.ochaopt.org/content/imminent-eviction-palestinian-family-east-jerusalem>.

<sup>76</sup> Al-Haq, "Occupying Jerusalem's Old City: Israeli Policies of Isolation, Intimidation, and Transformation", 2019, at: <https://www.alhaq.org/publications/15212.html>.

<sup>77</sup> Al-Haq, "The lesser of two evils: self-demolitions in East Jerusalem", 1 June 2012, at:  
<https://www.alhaq.org/monitoring-documentation/6875.html>.

<sup>78</sup> Figures provided by Al-Haq Monitoring and Documentation Unit.

<sup>79</sup> Al-Haq, "Al-Haq Field Report on Human Rights Violations in 2020", 2 March 2021, at:  
<https://www.alhaq.org/monitoring-documentation/17950.html>.

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> Al-Haq, "Al-Haq Field Report on Human Rights Violations in 2021", 2 March 2022, at:  
<https://www.alhaq.org/monitoring-documentation/19598.html>.

were located in Area C.<sup>83</sup> This year, Al-Haq documented the administrative destruction of 62 houses in the occupied West Bank, as of May.<sup>84</sup>

44. Furthermore, Israel utilises its policy of punitive house demolitions, which force the displacement of Palestinians from their homes and the destruction of their private property as collective punishment for the alleged ‘crimes’ of others. Between 1 November 2020 and 31 October 2021, Israel punitively demolished four Palestinian homes in the West Bank, resulting in the forced displacement of 23 Palestinians, including six women and 11 children.<sup>85</sup> Moreover, those Palestinians who allegedly carried out the attack were either killed or were arrested and no longer live in the house, thereby, this policy directly constitutes a reprisal attack against their families, including children.
45. Considering that children “happiness and emotional growth are closely linked to the security of home and family”,<sup>86</sup> house demolitions have had a serious impact on Palestinian children, including on their mental health and sense of safety. According to a report by Save the Children:

the resulting dispossession and displacement cripple children’s sense of safety, lead to severe emotional distress, and leave them cut off from their friends and communities. Most children (70%) reported feeling socially isolated and no connection with their communities and land after losing their home. A majority of children (60%) felt that their education had been jeopardised or interrupted following the demolition. [...] As a result, many children reported feelings of powerlessness and disempowerment, which, in turn, takes a huge toll on how they feel about the future.<sup>87</sup>

46. Just as alarmingly, Save the Children further reported that “[t]he children who were consulted showed high rates of emotional distress, with a majority reporting feelings of sadness, fear, depression, and anxiety. Children described having frequent nightmares, feeling like there is no safe place for them [...].”<sup>88</sup>
47. In 2013, the Committee highlighted its concern with regards to Palestinian children constant fear of evictions of demolitions,<sup>89</sup> as well as its concern “about the psychological violence inflicted on Palestinian children who witness [...] the demolition of their homes, and about the long-term consequences of this violence on

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<sup>83</sup> Ibid.

<sup>84</sup> Al-Haq, “Special Focus: 55-years too long, a lethal occupation fuelled by international inaction”, 8 June 2022, at: <https://www.alhaq.org/advocacy/20136.html>.

<sup>85</sup> Al-Haq, Joint Submission for the 4th cycle of the Universal Periodic Review for Israel, 11 October 2022, para. 73, referencing Human Rights Council, Implementation of Human Rights Council resolutions S-9/1 and S-12/1 Report of the United Nations High Commissioner for Human Rights, 18 February 2022, at: [https://www.un.org/unispal/wp-content/uploads/2022/03/A.HRC\\_49.83\\_190222.pdf](https://www.un.org/unispal/wp-content/uploads/2022/03/A.HRC_49.83_190222.pdf).

<sup>86</sup> Save the Children, “Hope Under the Rubbles- The Impact of Israel’s home demolitions policy on Palestinian children and their families”, 2021, p.3.

<sup>87</sup> Ibid., pp. 4-5.

<sup>88</sup> Ibid., p. 12.

<sup>89</sup> CRC, Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May – 14 June 2013), 4 July 2013, UN Doc CRC/C ISR/CO/2-4, para. 59.

these children”.<sup>90</sup> This psychological trauma is compounded by the killing, injury or arrest of a family member by the IOF, which often accompanies house demolitions.<sup>91</sup>

48. Furthermore, house demolitions and forced displacements of Palestinian children have far-reaching consequences, entailing the violation of a wide range of their human rights. Away from their community, they “are at heightened risk of them of being forced into child labour, pressed into early marriage, and exposed to violence, abuse and exploitation.” Indeed, some of them have had to work to support their families after the loss of their house and assets. Furthermore, in most cases, their education is jeopardised as they lost their books and attending school is made much more difficult due to the displacement.<sup>92</sup>
49. In the occupied Gaza Strip, Israeli bombardments disproportionately affected civilians and civilian infrastructure and left hundreds of thousands of Palestinians in Gaza homeless and internally displaced, further exacerbating the already dire socio-economic conditions. Al Mezan’s documentation shows that between 2014 and 2021, the IOF targeted 40,219 housing units in the Gaza Strip, of which 9,697 were destroyed and 30,522 were partially destroyed. During the 2012 offensive, the IOF destroyed 124 civilian homes and damaged another 2,050, impacting the lives of 20,884 residents.<sup>93</sup> During Operation Protective Edge, the IOF destroyed 8,381 residential units, with another 23,598 sustaining partial damages, impacting the life of 252,935 permanent residents—including 67,453 women and **124,683 children**.<sup>94</sup> During the May 2021 offensive, Israel targeted, damaged, and destroyed homes and entire buildings, residential buildings, factories, agricultural fields, and roads.<sup>95</sup> In each of the four offensives in the last 14 years, family homes and civilian targets have been attacked indiscriminately and systematically.
50. With complete disregard to the best interest of Palestinian children,<sup>96</sup> Israel’s policy of house demolitions constitutes a significant breach of the CRC, which provide that children should “grow up in a family environment, in an atmosphere of happiness”<sup>97</sup> and “[n]o child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.”<sup>98</sup> Furthermore, every child has the right to a safe place to live and an adequate standard of living so they can develop in the best way.<sup>99</sup>
51. **Accordingly, we urge the Committee to request information on steps taken by the Israeli occupying authorities to fulfil the right to housing to Palestinian children, which are affected by Israel’s colonial settlement enterprise, the driving force of its discriminatory planning regime, coercive environment and settler violence;**

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<sup>90</sup> *Ibid.*, para. 43.

<sup>91</sup> Save the Children, “Hope Under the Rubbles”- The Impact of Israel’s home demolitions policy on Palestinian children and their families, 2021, p. 16.

<sup>92</sup> *Ibid.*, pp. 13-14.

<sup>93</sup> Al Mezan, Statistical Report on: Persons Killed and Property Damaged in the Gaza Strip by the Israeli Occupation Forces during “Operation Pillar of Cloud” (14–21 November 2012), at:

<https://www.mezan.org/en/uploads/files/17207.pdf>.

<sup>94</sup> *Ibid.*

<sup>95</sup> For specific information, check Al Mezan ‘In Focus’ series and daily reporting during the May 2021 offensive, at <https://www.mezan.org/en/search?sword=In+Focus>.

<sup>96</sup> CRC, Article 3.

<sup>97</sup> *Ibid.*, Preamble.

<sup>98</sup> *Ibid.*, Article 37(a).

<sup>99</sup> *Ibid.*, Article 27.

**indiscriminate attacks against Gaza; and its collective punishment policy of punitive house demolitions.**

## **8. Israel's violation of right to family**

52. In 2003, Israel enacted the Citizenship and Entry into Israel Law (Temporary Order). Under the temporary order, mixed couples—when one spouse is a Palestinians from the West Bank or the Gaza Strip and the other spouse is from Israel or the occupied and illegally annexed eastern part of Jerusalem—they are banned from living in Israeli designated territories, including in occupied Jerusalem.
53. Since 2003, the ban on family reunification was annually renewed, until July 2021, when the Israeli Parliament failed to renew it, just to renew again in March 2022. Despite the absence of any legal impediment for family reunification, between July 2021 and March 2022, Israel did not process applications for family reunification. Furthermore, following its success in renewing the law, Israel applied the ban on family reunification retroactively, blocking Palestinian families that applied during the time gap from residing inside the Green Line, and more importantly, from residing in eastern Jerusalem.
54. Despite the ban on family reunification, the temporary order outlines very narrow exceptions, according to which a Palestinian from the West Bank can receive a permit and reside with his/her Jerusalemit spouse in Jerusalem. A humanitarian committee examines special cases and circumstances that warrant deviation from the principle ban. In such instances, the temporary order explicitly states that having a child when one of the parents is from the West Bank and the other spouse is an Israeli citizen or resident, is not, by itself, a humanitarian consideration before the committee.<sup>100</sup> Accordingly, when the parents are banned from residing in the eastern part of Jerusalem under the ban on family reunification, the whole family is compelled to move to other parts of the West Bank, or elsewhere, in order to live together with the child under the same roof.
55. Since the occupation and unlawful annexation of the eastern part of Jerusalem in 1967, Israel granted the Palestinian population residing there a precarious and inferior civil status—a permanent residency. Although called permanent, this residency can be easily revoked based on many grounds, *inter alia*, breach of allegiance to the State of Israel and the “centre of life” criteria.<sup>101</sup>
56. Palestinian Jerusalemites physical proximity to other parts of the West Bank, and their family, social, and economic ties with the Palestinians residing therein creates a situation where many Palestinian Jerusalemites decide to get married to a Palestinian without the Jerusalem ID. Such couples, when giving birth to a child, face a stringent bureaucracy that requires legal counseling, which by itself is a financial burden, given that 81 per cent of the Palestinian children live under the poverty line.<sup>102</sup>
57. Under Israeli laws, when only one parent is a permanent resident of Jerusalem, the parents are required to submit an application for child registration to the Israeli

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<sup>100</sup> The Citizenship and Entry into Israel Law (Temporary Order) - 2022, Art. 7.

<sup>101</sup> Danielle C. Jefferis, “The “Center of Life” Policy: Institutionalizing Statelessness in East Jerusalem” (2012) 50 Jerusalem Quarterly, 94.

<sup>102</sup> ACRI, “East Jerusalem - Facts & Figures”, May 2019, at: <https://www.english.acri.org.il/east-jerusalem-2019#:~:text=Poverty%20and%20adversity%3A,36%25%20of%20the%20Jewish%20children>.

administration of border crossing, population and immigration. If the child was born in an Israeli hospital, the parents are required to fill out a form at the registration office in the hospital, and take the original form with them. If the child was born in a place which is not an Israeli hospital, then the parents must go to the population administration office, under the Israeli Ministry of Interior, and register the birth of the child. In order to issue a birth certificate, the parents will have to do the following: first, the two parents must appear before the Israeli Ministry of Interior and have their identity cards and/or passports with them, have a doctor certificate or a midwife affidavit that proves the birth. In case such documents are unavailable, the parents are required to bring affidavits proving that the mother is the biological mother of the child, a medical certificate from the doctor that followed up after the pregnancy, and a medical certificate from a doctor that examined the mother of the child in the first 48 hours after birth.<sup>103</sup>

58. In order to register the child, the permanent resident parent must prove that his centre of life was Israel or occupied Jerusalem for the past two years prior to the registration, and the child registration application must be submitted before the child reaches 14 years old. In instances where the child is older than 14 years old, and his/her parents did not register him/her yet, then the child will not be eligible for a residency licence, and can only obtain a stay permit.
59. Many applications for child registration are declined based on the grounds that the child is older than 14 years old, or that the centre of life criteria was not met. For proving the centre of life criteria, the parents must submit many documents, including lease contract, utility bills, and school registration for the children. Thus, many Palestinian children reside in the eastern part of Jerusalem without any legal status that results in depriving the child from any legal status, rendering them status-less, thereby deprived from any social security rights.
60. **Accordingly, we urge the Committee to request information on measures taken by the Israeli occupying authorities to fulfil the right to family to Palestinian children, and end its racial engineering policy, as well as its fragmentation of the Palestinian people.**

## **9. Israel's violation to right to education**

61. The right to education is a primary means for the realisation of other human rights, and it is a vehicle through which communities living under a belligerently protracted occupation can lift themselves out of a seemingly intractable situation and discuss, among other rights, their right to self-determination, and ways to pursue it. In the OPT, the Palestinian right to education is routinely violated—including by the IOF's routine

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<sup>103</sup> Kol-Zchut, "Issuance of a permanent residence permit to a minor born in Israel and only one of his parents is registered as a permanent resident", at:

[https://www.kolzchut.org.il/he/%D7%9E%D7%AA%D7%9F\\_%D7%A8%D7%99%D7%A9%D7%99%D7%95%D7%9F\\_%D7%9C%D7%9A%D7%98%D7%99%D7%9F\\_%D7%A9%D7%A0%D7%95%D7%9C%D7%93\\_%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C\\_%D7%A9%D7%A8%D7%A7\\_%D7%90%D7%97%D7%93\\_%D7%9E%D7%94%D7%95%D7%A8%D7%99%D7%95\\_%D7%A8%D7%A9%D7%95%D7%9D\\_%D7%9B%D7%AA%D7%95%D7%A9%D7%91\\_%D7%A7%D7%91%D7%A2](https://www.kolzchut.org.il/he/%D7%9E%D7%AA%D7%9F_%D7%A8%D7%99%D7%A9%D7%99%D7%95%D7%9F_%D7%9C%D7%9A%D7%98%D7%99%D7%9F_%D7%A9%D7%A0%D7%95%D7%9C%D7%93_%D7%91%D7%99%D7%A9%D7%A8%D7%90%D7%9C_%D7%A9%D7%A8%D7%A7_%D7%90%D7%97%D7%93_%D7%9E%D7%94%D7%95%D7%A8%D7%99%D7%95_%D7%A8%D7%A9%D7%95%D7%9D_%D7%9B%D7%AA%D7%95%D7%A9%D7%91_%D7%A7%D7%91%D7%A2)

raids into Palestinian schools throughout the West Bank,<sup>104</sup> as well as demolitions of Palestinian schools under the pretext of lacking a building permit.<sup>105</sup>

62. Moreover, successive Israeli aggressions on the Gaza Strip have also greatly impacted Palestinian children's enjoyment of their right to education and development. As soon as the IOF starts a wide scale aggression against the Gaza Strip, the Palestinian Ministry of Education and UNRWA suspend studying at schools and educational facilities fearing for the children and students' lives. This is also because the IOF had previously intentionally attacked schools and caused grave damage to them, including newly built UNRWA schools. During the 2012 offensive against Gaza, Israeli attacks destroyed 97 educational institutions across the Strip.<sup>106</sup> The number of schools destroyed and/or damaged during military offensives in 2014 and 2021 was 298—of which 6 were completely destroyed, 292 damaged. It must also be noted that as part of its illegal closure policy against Gaza, Israeli occupying authorities have prevented the entry of construction materials for years, hindering and obstructing the Palestinian Ministry of Education's ability to build new schools or repair damaged ones.
63. In Jerusalem, where the Palestinian character and identity of Palestinian Jerusalemites are prime targets in Israel's endeavours to eliminate Palestinian presence, Israeli attempts of erasure are directed, *inter alia*, against Palestinian schools, where Israel is actively Israelizing the textbooks and curricula in which Palestinian pupils learn. Through this method, Israel is trying to consolidate its rule on Palestinians through mental control and conscious transformation.
64. In 2018, the Israeli government passed Resolution No. 3790, entitled ‘reducing economic and social disparities and economic development in East Jerusalem’.<sup>107</sup> According to the resolution, NIS 445 million are allocated for the education sector in the eastern part of Jerusalem, in which NIS 206 million was allocated for the informal education system, whereas the formal education system received NIS 239 million. The resolution determined four main objectives for the implementation of the ‘education clause’: 1. deepening the knowledge of the Hebrew language; 2. promoting technological education; 3. increasing informal education; and 4. providing material and pedagogical incentives to Palestinian schools to adopt the Israeli curriculum. Despite its misleading name, this resolution is designed to serve the paramount Israeli interests with regard to occupied Jerusalem: to ensure that the eastern part of Jerusalem remains under Israeli control,<sup>108</sup> and to ensure a solid Israeli-Jewish majority within Jerusalem’s overall population.

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<sup>104</sup> Al-Haq, “Students’ Classes Disrupted after Israeli Forces Raid their School”, 14 February 2015, at: <https://www.alhaq.org/monitoring-documentation/6561.html>.

<sup>105</sup> HRW, “Israel: Army Demolishing West Bank Schools”, 25 April 2018, at: <https://www.hrw.org/news/2018/04/25/israel-army-demolishing-west-bank-schools>.

<sup>106</sup> Al Mezan, Statistical Report on: Persons Killed and Property Damaged in the Gaza Strip by the Israeli Occupation Forces during “Operation Pillar of Cloud” (14–21 November 2012), at: <https://www.mezan.org/en/uploads/files/17207.pdf>.

<sup>107</sup> Reducing Economic and Social Disparities and Economic Development in East Jerusalem, Resolution No. 3790, 2018, available in Hebrew at: [https://www.gov.il/he/Departments/policies/dec3790\\_2018](https://www.gov.il/he/Departments/policies/dec3790_2018).

<sup>108</sup> See, for example, clause six in Resolution No. 3790 regarding a final settlement of land title and its ramifications on Palestinians property rights. For more information on this, see Al-Haq, “PHROC, CAC & Others Send Joint Urgent Appeal to the United Nations Special Procedures on Israel’s Permanent Illegal Annexation of Jerusalem”, 13 November 2021, at:

65. In July 2022, six Palestinian schools in the eastern part of Jerusalem, which teach the Palestinian-issued textbooks, had their teaching license revoked, based on alleged ‘dangerous incitement’ against the State of Israel, its citizens or institutions in the textbooks. On 26 October 2022, three out of the aforementioned six schools were raided by inspectors from the Israeli Ministry of Education, who forcibly opened Palestinians’ backpacks in search for the Palestinian textbooks. With no prior coordination with the schools, the Israeli inspectors raided at least four classrooms, in which eight, nine, ten and 13-year-old pupils were present, and confiscated some of the textbooks. Israeli inspectors refused to respect the demands of the schools to provide a professional team to accompany the raid, and did not refrain from interrogating the children while in the classrooms regarding the textbooks they study.
66. Enshrined in Article 13 to the International Covenant for Economic Social and Cultural Rights, the right to education includes four main features: availability, accessibility, acceptability and adaptability.<sup>109</sup> As outlined by the UN Committee on Economic, Social and Cultural Rights, ‘availability’ refers to the quantity of programs and institutions in sufficient numbers; ‘accessibility’ refers to the accessibility of programs and institutions to everyone without discrimination, and it also refers to safe physical reach, either through a convenient geographic location or via modern technology (e.g. access to distance learning programs); ‘acceptability’ refers to having relevant and culturally appropriate form and substance of education, including curriculum and teaching methods, to the pupils and their parents; and ‘adaptability’ refers to the flexibility of the education system to adapt to the needs of changing societies.
67. In terms of the availability, as for the 2021-2022 school year, there is a shortage in approximately 2,840 classrooms in eastern part of Jerusalem, thus severely compromising access to educational institutions.<sup>110</sup> Despite the dearth of classrooms, the Israeli occupying authorities prioritise other aspects of the educational system, such as teaching the Hebrew language, and stipulating budget allocations and school opening based on teaching the Israeli curriculum. This was apparent when Jerusalem’s Municipality educational authority submitted a request to divert budgets from the informal education system, due to restrictions related to COVID-19 and the inability to implement informal programs thereof, to augment programs related to special needs, Hebrew language and the implementation of the Israeli curriculum, emphasising that the large portion of the budget in the diversion request was intended to encourage the adoption of the Israeli curriculum.<sup>111</sup> Moreover, in the 2019 meeting of the Israeli

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[https://www.alhaq.org/cached\\_uploads/download/2021/11/13/joint-urgent-appeal-to-un-sp-land-title-settlement-in-jerusalem-as-sent-1636786906.pdf](https://www.alhaq.org/cached_uploads/download/2021/11/13/joint-urgent-appeal-to-un-sp-land-title-settlement-in-jerusalem-as-sent-1636786906.pdf).

<sup>109</sup> CESCR ‘General Comment No. 13 on Article 13 of the ICESCR on the right to education’ (8 December 1999) UN Doc E/C.12/1999/10.

<sup>110</sup> Ir Amim, ‘Report on Education in East Jerusalem 2020-2021’, 2021, at: <https://www.ir-anim.org.il/sites/default/files/%D7%A2%D7%99%D7%A8%20%D7%A2%D7%9E%D7%99%D7%9D%20%D7%93%D7%95%D7%97%20%D7%97%D7%99%D7%A0%D7%95%D7%9A%D7%99%D7%A8%D7%95%D7%A9%D7%9C%D7%99%D7%9D%D20%D7%94%D7%9E%D7%96%D7%A8%D7%97%D7%99%D7%AA%202021%201021.pdf>.

<sup>111</sup> According to Dr. David Koren, the Israeli Ministry of Education Representative in a webinar held by the Jerusalem Institute for Policy Research, at:

<https://jerusaleminstitute.org.il/events/%d7%a4%d7%aa%d7%99%d7%97%d7%aa-%d7%9c%d7%99%d7%9e%d7%95%d7%93%d7%99%d7%9d-%d7%9e%d7%96%d7%a8%d7%97-%d7%99%d7%a8%d7%95%d7%a9%d7%9c %d7%99%d7%9d-%d7%a7%d7%95%d7%a8%d7%95%d7%a0%d7%94/>; Ir Amim, ‘Ahead of the Discussion of the UN

Standing Committee for the implementation of government resolution 3790, priority was granted for opening elementary schools that exclusively teach the Israeli curriculum. The effect of the aforementioned resolution is two-fold. Firstly, it prevents stakeholders who oppose the adoption of the Israeli curriculum, including Palestinian parents, from influencing or altering the curriculum. Secondly, it diverts resources away from much needed Palestinian classrooms infrastructure.<sup>112</sup>

68. In terms of the acceptability, the revocation of the teaching licenses of the six Palestinian schools blatantly violates the right to education. Moreover, Israel uses the strategy of underfunding for Palestinian schools, and then, when the acute need for funds arises, Israel stipulates the funnelling of funds to them on teaching the Israeli curriculum. Through this strategy, Israel has created a misrepresentation of consent, according to which Palestinian schools are portrayed as having the choice to choose between the two curriculums freely, when in fact Israel is creating dire financial conditions for Palestinian schools that their existence and viability are hinged on accepting the Israeli curriculum.
69. **Accordingly, we urge the Committee to request information on measures taken by the Israeli occupying authorities to fulfil the right to education to Palestinian children, and to specifically address its discriminatory plan to erase the Palestinian identity, including by designing and implementing Resolution No. 3790.**

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Committee on the Rights of the Child on 23 November 2020 - the Situation of the Students in the Education System in East Jerusalem' 23 November, 2022, at:

<https://www.ir-amim.org.il/he/node/2596>.

<sup>112</sup> The Israeli Ministry of Jerusalem and Heritage, 'Discussion Summary - Standing Committee - Implementation of Resolution 3790 of 29 October 2019', 2 December 2019, at:

<https://www.gov.il/BlobFolder/news/matmedet-3790-2019/he/%D7%A1%D7%99%D7%9B%D7%95%D7%9D%20%D7%95%D7%A2%D7%93%D7%94%20%D7%9E%D7%AA%D7%9E%D7%93%D7%AA%202019%20-%202019%20%D7%A1%D7%95%D7%A4%D7%99.pdf>.

## **10. Annex I: About our organisations**

70. *Al-Haq* is an independent Palestinian non-governmental human rights organisation based in the occupied Palestinian territory. Established in 1979 to protect and promote human rights and the rule of law in the occupied Palestinian territory, Al-Haq holds special consultative status with the UN Economic and Social Council. Al-Haq documents violations of the individual and collective rights of Palestinians in the occupied Palestinian territory, irrespective of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. Al-Haq conducts research; prepares reports, studies, and interventions on breaches of international law in the OPT; and undertakes advocacy before local, regional, and international bodies for the promotion of the rights of the Palestinian people.
71. *Al Mezan Center for Human Rights (Al Mezan)* is an independent, non-partisan and non-governmental human rights organisation established in 1999. Al Mezan is dedicated to protecting and advancing the respect of human rights, with a focus on economic, social, and cultural rights, supporting victims of violations of international law through legal initiatives, and enhancing democracy, community and citizen participation, and respect for the rule of law in the Gaza Strip as part of occupied Palestine.
72. *The Community Action Center at Al-Quds University (CAC)* was established in 1999 in the old city of Jerusalem. CAC works to protect and promote human rights for Palestinian Jerusalemites, who found themselves tangled in Israel's discriminatory laws and intended sprawling bureaucracy, following the Israeli occupation and unlawful annexation of their city in 1967. CAC provides free legal aid for Palestinians in Jerusalem before the Israeli authorities, and advocates for their rights on an international level according to the rules and principles of international law.