

## **UN Committee on the Rights of the Child meets with child rights experts in Ramallah**

By DCI/PS

February 19, 2007

On Thursday, 15th February, Defence for Children International/Palestine Section (DCI/PS) and the Al-Quds University Human Rights Clinic jointly organised a meeting in Ramallah between Professor Jaap Doek, chair of the Committee on the Rights of the Child and human/child rights organisations based in the Occupied Palestinian Territories (OPTs). Although he was on an unofficial visit, Professor Doek wanted to discuss child rights issues with local stakeholders and hear matters of concern in order to prepare for the forthcoming visit of the Committee on the Rights of the Child to the OPTs.

In September 2006, during the 43<sup>rd</sup> session of the Committee on the Rights of the Child (CRC), DCI/PS was allowed a special audience with members of the Committee in order to bring to their attention the need for urgent action concerning the impact on children of the Israeli military campaign in Gaza. DCI/PS then suggested the CRC conduct a country visit to assess violations of Palestinian children's rights by Israel [read [DCI/PS press release](#)]. The Committee has presented its request for a visit to the Israeli ambassador in Geneva; if it is granted, the visit is likely to take place in the spring. This meeting therefore provided child rights experts based in the OPTs with an opportunity to indirectly brief the Committee on the current child rights situation, with a view to influence the planning and agenda for the forthcoming CRC visit.

DCI/PS Director George Abu Al-Zulof opened the meeting by welcoming Professor Jaap Doek to Ramallah and expressing his gratitude for his continued and consistent concern for Palestinian children's rights. Mr Abu Al-Zulof and Grietje Baars, from the Al-Quds University Human Rights Clinic also welcomed all the participants to the meeting which included the Minister of Detainees and Ex-Detainees Affairs, and representatives from the following organisations and agencies: Addameer, Al-Haq, the Al-Quds Legal Aid Centre, the Palestinian Independent Commission for Citizens' Rights (PICCR), Save the Children UK, Save the Children Sweden, the United Against Torture (UAT) coalition and UNICEF.

Professor Jaap Doek then took the floor and thanked his hosts. He first highlighted the fact that this timely meeting was a good opportunity to gather background information for the Committee on the Rights of the Child. The Committee, he said, must ensure that the visit is carried out "at the best possible time, and in the best possible way, in order to make it more than just a fact-finding mission". If information is gathered prior to the visit, the Committee can spend more time meeting with Palestinian and Israeli officials during the visit, in order to exert direct pressure on duty bearers.

Furthermore, Prof. Doek reminded those present that the Israeli government was due to report to the CRC in November 2008. Considering the fact that Israel's initial report to the CRC totally omitted information on Palestinian children's rights and that the same is to be expected for its 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> periodic reports (combined) despite the Committee's recommendations, he highlighted the need to start a dialogue immediately between the CRC and the Palestinian Authority (PA), and he encouraged civil society to submit as much complementary information as possible to the Committee.

The floor was then opened for questions and Wassfi Qabaha, Minister of Detainees and ex-Detainees Affairs, asked Prof. Doek about practical measures that could be taken by the CRC on issues related to Palestinian

children detainees. Jaap Doek replied that, unfortunately, the Committee did not have the capacity to enforce its recommendations or maintain pressure on governments to implement them. In many countries, NGOs and UNICEF take on this follow-up and advocacy role, in order to promote the implementation of the CRC recommendations at the national level.

However, in the Palestinian territories, follow-up work is obstructed by the complex political situation and the lack of cooperation from the Israeli authorities. Indeed, not only does Israel deny any responsibility for upholding Palestinian children's rights under international human rights law, but Palestinian NGOs' access to the Israeli government is extremely limited. Their national lobbying and advocacy capacities are therefore insignificant. This is the reason why, said Prof. Doek, it is so important for CRC members to discuss Israel 's responsibility towards Palestinian children with representatives of the Israeli government during their planned visit this year.

Professor Doek added that the international community also had obligations towards the Palestinian people. Donors especially should hold Israel accountable for destruction of infrastructure, schools and hospitals that they have funded themselves. Mr Qabaha then pointed out that the international community should also be held responsible for depriving Palestinian children of their right to education by withdrawing aid to the PA following the election of Hamas in January 2006. This meant that teachers' salaries could not be paid for several months, and a teachers' strike at the beginning of the 2006-2007 academic year prevented children from receiving education. Jaap Doek conceded that "children should not be victims of political decisions", and that they should not have their basic rights violated because donors do not approve of the government in place in their country.

All States Parties to the Convention on the Rights of the Child are duty-bearers, pointed out the UNICEF representative, so upholding Palestinian children's rights is the responsibility of the Israeli government, the Palestinian Authority, and the international community.

The Save the Children UK representative asked Prof. Doek if the CRC's mandate was too specific to allow it to feed into other (national, regional or international) human rights mechanisms. Jaap Doek informed the participants that the current Committee had so far frequently stepped out of its mandate when it had good reasons to do so. The Committee, he explained, operates on the basis of the information it receives: the more detailed, consistent and action-oriented the information is, the more the Committee can do. However, he acknowledged that the UN human rights system was often too fragmented to function efficiently. For example, although the UN Security Council recently established a Working Group on children and armed conflict (see Resolution 1612), they almost never refer to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC). Child rights mechanisms within the UN need to increase their cooperation.

On the issue of juvenile justice, the representative from Addameer Prisoners Support and Human Rights Association, asked Prof. Jaap Doek what the CRC could do to ensure that the same standards were applied for Israeli and Palestinian children. She pointed out that the issue was not simply whether the child arrested had indeed committed a crime, but that their treatment once inside the prison and justice systems blatantly differed from the treatment given to Israeli children, and breached most international juvenile justice standards. Jaap Doek, expert in juvenile law, again stressed that such valuable information should be forwarded to Committee members, who do not have the capacity to carry out the research themselves, so that they would be able to raise the issue with the relevant authorities during their visit.

DCI/PS Director George Abu Al-Zulof then presented Professor Jaap Doek

with a statement on child fatalities in the West Bank and Gaza since 29th September, date of the private meeting between DCI/PS and CRC members [read the statement below]. Between 29th September and 14th February, 39 children killed as a direct result of Israeli military activity in the OPTs. He highlighted the status quo and the fact that Israel had done nothing to alter its policies and military strategy. With these words, George Abu Al-Zulof closed the meeting, and expressed his hope that child rights professionals in the OPTs would collaborate closely over the coming weeks in order to make the CRC visit as efficient as possible.

Professor Jaap Doek  
Chairperson of the UN Committee on the Rights of the Child  
Office of the High Commissioner for Human Rights  
UNOG-OHCHR  
1211 Geneva 10  
Switzerland

15th February 2007

Dear Professor Jaap Doek,

On behalf of Defence for Children International – Palestine Section (DCI – PS), I would like to express my appreciation for your continued interest and concern for Palestinian children's rights and for the work of our organisation.

As you remember, on 29th September 2006, during its 43rd session, the Committee on the Rights of the Child held a closed meeting with DCI – PS. During this meeting, the Committee expressed the wish to receive more regular updates from DCI – PS on violations of children's rights and, more particularly, on violations of their right to life (CRC Article 6).

As a result of this discussion, DCI – Palestine has decided to increase the amount and frequency of its communications to the Committee on the Rights of the Child. Today, we would like to present you with figures and facts on child fatalities in the West Bank and Gaza for the period 29th September – 14th February, since we last met you to discuss the question of Palestinian children's rights.

Between 29th September and 14th February, **39 children** were killed as a direct result of Israeli and settler presence and activity on the occupied territories; 5 out of 39 children (13%) were below the age of 8; 4 (10%) were aged between 9-12, but the majority of those killed (54%) were aged between 16-17.

Field work investigations carried out by DCI – PS have shown that shelling by land and air continues to be the main cause of death: among those 39 children killed, 20 children (51%) died as a result of Israeli air and ground attacks, 12 children (31%) died as a result of random open gun fire, 5 children (13%) died as a result of clashes between Palestinians and the Israeli army, and 2 children (5%) were killed in assassinations attempts.

The three most lethal types of ammunitions were live bullets (responsible for 44% of the deaths), tank shell shrapnel (23%) and missiles (21%).

The number of children killed during these last four and a half months and the apparent causes of child deaths demonstrates that Israel is still not prepared to give due consideration to its duty to protect civilians, especially children, in its military engagement in Palestine, according to the international humanitarian law principles enshrined in the Fourth Geneva Convention.

I am aware that you will shortly be leaving your current office as

chairperson of the UN Committee on the Rights of the Child, however I hope that you will take every opportunity you will have in the future to call for Israel to abide by its obligations under treaty and customary international humanitarian law, to advise the new Committee on the question of Palestinian children's rights, and to call for accountability for all those, whether Palestinian or Israeli, who are responsible for the protection of Palestinian children's rights.

In addition, I would like to draw your attention to a pending request made in early October by the Committee on the Rights of the Child to the Israeli government for a country visit which would include the Occupied Territories .

Finally, we would like to reiterate our call, made to Louise Arbour during her November 2006 visit, for an in-depth inquiry by the Committee into the situation of Palestinian children, during the interim period between Israel 's initial report and first periodic report to the Committee. We therefore hope that you will be able to encourage the new Committee to follow up with Israeli officials on the request for a country visit.

DCI-Palestine remains at your disposal for any further information you may need. I am also enclosing for your review statistics on child fatalities for the year 2006.

Yours sincerely,  
George Abu Al-Zulof  
Director  
Defence for Children International – Palestine Section

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<http://www.dci-pal.org/english/display.cfm?docId=557&categoryid=1>