



**Human Rights Watch Submission  
to the United Nations Committee on the Rights of the Child  
Review of Israel  
94th Pre-Session  
*November 2022***

We write in advance of the 94th pre-session of the Committee on the Rights of the Child and its review of Israel. This submission includes information on unlawful attacks and the unjustified use of lethal force against children, detention, mistreatment, and abuse of children, the impact of movement restrictions and forcible displacement on children, the protection of education from attack, the rights of children with disabilities, and child labor.

Much of the submission focuses on Israel’s treatment of Palestinian children, given the repression they face as Palestinians by the Israeli government. In April 2021, Human Rights Watch concluded in a 213-page report that Israeli authorities are committing the crimes against humanity of apartheid and persecution against millions of Palestinians.<sup>1</sup> Human Rights Watch reached this determination based on a finding of an overarching Israeli government policy to maintain the domination by Jewish Israelis over Palestinians across Israel and the Occupied Palestinian Territory (OPT), as well as grave abuses committed against Palestinians living in the OPT, including East Jerusalem.

Major Israeli,<sup>2</sup> Palestinian,<sup>3</sup> and other international human rights groups have also found that Israeli authorities are committing apartheid against Palestinians,<sup>4</sup> as has the UN Special

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<sup>1</sup> Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (New York: Human Rights Watch, 2021), <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

<sup>2</sup> B’Tselem, *A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is apartheid*, January 12, 2021, [https://www.btselem.org/publications/fulltext/202101\\_this\\_is\\_apartheid](https://www.btselem.org/publications/fulltext/202101_this_is_apartheid) (accessed November 30, 2022).

<sup>3</sup> Al-Haq, *Global Response to Israeli apartheid: A call to the UNGA from Palestinian and international Civil Society Organizations*, September 22, 2020, <https://www.alhaq.org/advocacy/17305.html> (accessed November 30, 2022).

<sup>4</sup> “Israel’s apartheid against Palestinians: a cruel system of domination and a crime against humanity,” Amnesty International press release, February 1, 2022, <https://www.amnesty.org/en/latest/news/2022/02/israels-apartheid-against-palestinians-a-cruel-system->

Rapporteur for the Occupied Palestinian Territory and other UN experts,<sup>5</sup> as well as the Harvard Law School International Human Rights Clinic,<sup>6</sup> among others.

Many of the grave human rights abuses carried out by Israeli authorities as part of their crimes of apartheid and persecution against Palestinians significantly impact children, including sweeping movement restrictions, mass land expropriation, and forcible displacement, as this submission lays out.

As this Committee has noted,<sup>7</sup> Israel's refusal to provide information and data and to respond to the Committee's written questions on children living in the OPT, including East Jerusalem, has greatly affected the adequacy of the reporting process and the State's accountability for the implementation of the Convention.

### **Unlawful Attacks and Unjustified Use of Lethal Force against Children (articles 6, 38)**

In 2021, Israeli forces and settlers killed 78 Palestinian children in the OPT, most during May hostilities in Gaza, and in 2022, as of November 16, Israeli forces or settlers had killed 32 Palestinian children in the West Bank, often in circumstances where the child posed no imminent threat to life.<sup>8</sup> Many were killed amid heightened Israeli military operations in the West Bank beginning in April 2022, following several attacks by Palestinians on civilians inside Israel in

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of-domination-and-a-crime-against-humanity/ (accessed November 30, 2022); International Commission of Jurists, "UN: ICJ denounces Israel's system of apartheid against Palestinians," March 25, 2022, <https://www.icj.org/un-icj-denounces-israels-system-of-apartheid-against-palestinians/#.YkwTyuoQ4pk.twitter> (accessed November 30, 2022).

<sup>5</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967, A/HRC/49/87, March 21, 2022, <https://www.un.org/unispal/document/report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-the-palestinian-territories-occupied-since-1967-report-a-hrc-49-87-advance-unedited-version/> (accessed November 30, 2022); "Israel's housing policies in occupied Palestinian territory amount to racial segregation - UN experts," Office of the High Commissioner for Human Rights press release, April 27, 2022, <https://www.ohchr.org/en/press-releases/2022/04/israels-housing-policies-occupied-palestinian-territory-amount-racial> (accessed November 30, 2022).

<sup>6</sup> Human Rights Clinic at Harvard University, "Addameer and the International Human Rights Clinic at Harvard Law School Send Joint Submission to the UN Independent Commission of Inquiry on the Occupied Palestinian Territory and Israel," March 2, 2022, <https://hrp.law.harvard.edu/press-releases/addameer-and-the-international-human-rights-clinic-at-harvard-law-school-send-joint-submission-to-the-un-independent-commission-of-inquiry-on-the-occupied-palestinian-territory-and-israel/> (accessed November 30, 2022).

<sup>7</sup> UN Committee on the Rights of the Child, "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)," CRC/C/ISR/CO/2-4, July 4, 2013, <https://hrp.law.harvard.edu/press-releases/addameer-and-the-international-human-rights-clinic-at-harvard-law-school-send-joint-submission-to-the-un-independent-commission-of-inquiry-on-the-occupied-palestinian-territory-and-israel/> (accessed November 30, 2022).

<sup>8</sup> Defense for Children International – Palestine, "Israeli forces shoot, kill 14-year-old Palestinian girl near Ramallah," November 16, 2022, [https://www.dci-palestine.org/israeli\\_forces\\_shoot\\_kill\\_14\\_year\\_old\\_palestinian\\_girl\\_near\\_ramallah](https://www.dci-palestine.org/israeli_forces_shoot_kill_14_year_old_palestinian_girl_near_ramallah) (accessed November 18, 2022).

March. In April, then-Prime Minister Naftali Bennett declared that there would be “no restrictions” on Israeli forces’ actions.<sup>9</sup>

For much of 2018 and 2019, Israeli forces stationed on the Israeli side of the fences separating Gaza and Israel responded with excessive lethal force to weekly “Great March of Return” demonstrations for Palestinian rights on the Gaza side.<sup>10</sup> Israeli snipers killed 214 Palestinian demonstrators, including 46 children, many of them more than one hundred meters away.<sup>11</sup> Israeli forces shot 619 children with live ammunition at the demonstrations in 2018, and injured more than 1,000 children at the demonstrations in 2019.<sup>12</sup> Some protesters tried to breach the fences or threw rocks at Israeli forces, but the vast majority of casualties posed no imminent threat to life. A UN Commission of Inquiry concluded Israeli forces shot at “unarmed protesters, children and disabled persons, and at health workers and journalists performing their duties, knowing who they are.”<sup>13</sup> In May 2018, Israel’s Supreme Court rejected petitions by human rights groups against the military’s live-fire orders during the demonstrations, without applying the clear standard on the use of lethal force set out in international human rights law, and substantially deferring to the government’s discretion.<sup>14</sup>

Human Rights Watch also documented unlawful attacks by Israeli forces in the Gaza Strip that killed or injured Palestinian children and that Israel did not appropriately investigate or hold perpetrators to account. For example, on July 9, 2014, an Israeli attack on the Fun Time Beach café near the city of Khan Yunis killed two 15-year-old boys and wounded a 13-year-old boy among nine

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<sup>9</sup> “Bennett Says Tel Aviv Had Help, Vows ‘No Restrictions’ on Israeli Response,” Times of Israel, April 8, 2022, <https://www.timesofisrael.com/bennett-says-tel-aviv-terrorist-had-help-vows-no-restrictions-on-israeli-response/> (accessed October 10, 2022).

<sup>10</sup> Human Rights Watch, “Israel: Apparent War Crimes in Gaza,” June 13, 2018, <https://www.hrw.org/news/2018/06/13/israel-apparent-war-crimes-gaza> (accessed November 18, 2022).

<sup>11</sup> OCHA, “Two Years On: People Injured and Traumatized During ‘Great March of Return’ Still Struggling” April 6, 2020, <https://www.ochaopt.org/content/two-years-people-injured-and-traumatized-during-great-march-return-are-still-struggling#ftn3> (accessed November 17, 2022).

<sup>12</sup> Secretary General’s Reports on Children and Armed Conflict, June 20, 2019, A/73/907-S/2019/509, para. 88, and June 9, 2020, A/74/845-S/2020/525, para. 86.

<sup>13</sup> “UN Commission Urges Israel to Review Rules of Engagement Before Gaza Protest Anniversary,” UN HRC news release, March 18, 2019, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=24348&LangID=E> (accessed November 17, 2022); World Health Organization (WHO), “Situation Report: Occupied Palestinian Territory, Gaza: 01–31 August 2019,” [http://www.emro.who.int/images/stories/palestine/documents/sitrep\\_aug\\_2019\\_vo\\_sh\\_rev\\_gro.pdf?ua=1](http://www.emro.who.int/images/stories/palestine/documents/sitrep_aug_2019_vo_sh_rev_gro.pdf?ua=1) (accessed November 17, 2022).

<sup>14</sup> Human Rights Watch, “Israel: Apparent War Crimes in Gaza,” June 13, 2018.

civilians gathered to watch a World Cup football game on television, with no evidence of any military target nearby.<sup>15</sup>

During the 11 days of hostilities between Israeli forces and Palestinian armed groups that began on May 10, 2021, attacks by Israeli forces in Gaza killed at least 123 Palestinian civilians including 66 children, according to UN figures.<sup>16</sup> Human Rights Watch documented war crimes including Israeli strikes that killed scores of civilians—wiping out entire families.<sup>17</sup> Israeli attacks also destroyed four high-rise Gaza towers full of homes and businesses.<sup>18</sup> Israeli officials gave contradictory statements as to the targets, or provided no information for their claims, which were refuted by residents and witnesses, that the targets were militants' offices or underground infrastructure. Human Rights Watch documented the launching by Palestinian armed groups of rockets toward Israeli population centers, killing two children.<sup>19</sup> Most recently, three days of fighting in Gaza in August 2022 resulted in the killing of 49 Palestinians, including 17 children.<sup>20</sup>

Israeli authorities have failed over decades to develop an approach to law enforcement and the conduct of hostilities that comport with international human rights norms and that holds accountable abusive members of Israeli security forces.<sup>21</sup>

*Human Rights Watch encourages the Committee to ask the government of Israel:*

- How many children have been killed or injured by Israeli forces since 2013?
- How many cases have been opened into allegations of unlawful attacks and unlawful use of force against Palestinian children since 2013? What were the results of such investigations?

*Human Rights Watch recommends that the Committee call upon the government of Israel to:*

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<sup>15</sup> Human Rights Watch, "Israel/Palestine: Unlawful Israeli Airstrikes Kill Civilians," July 15, 2014, <https://www.hrw.org/news/2014/07/15/israel/palestine-unlawful-israeli-airstrikes-kill-civilians> (accessed November 18, 2022).

<sup>16</sup> UN OCHA, "Response to the Escalation in the oPt | Situation Report No. 5 (18-24 June 2021)," June 25, 2021, <https://www.ochaopt.org/content/response-escalation-opt-situation-report-no-5-18-24-june-2021> (accessed October 10, 2022).

<sup>17</sup> "Gaza: Apparent War Crimes During May Fighting," Human Rights Watch news release, July 27, 2021, <https://www.hrw.org/news/2021/07/27/gaza-apparent-war-crimes-during-may-fighting> (accessed November 22, 2022).

<sup>18</sup> Human Rights Watch, "Gaza: Israel's May Airstrikes on High-Rises," August 23, 2021, <https://www.hrw.org/news/2021/08/23/gaza-israels-may-airstrikes-high-rises> (accessed November 22, 2022).

<sup>19</sup> Human Rights Watch, "Palestinian Rockets in May Killed Civilians in Israel, Gaza," August 12, 2021, <https://www.hrw.org/news/2021/08/12/palestinian-rockets-may-killed-civilians-israel-gaza>.

<sup>20</sup> UN OCHA, "Protection of Civilians Report | 2-15 August 2022," August 19, 2022, <https://www.ochaopt.org/poc/2-15-august-2022> (accessed October 10, 2022).

<sup>21</sup> See, e.g., B'Tselem, "Whitewash Protocol: The So-Called Investigation of Operation Protective Edge," September 2016, [https://www.btselem.org/download/201609\\_whitewash\\_protocol\\_eng.pdf](https://www.btselem.org/download/201609_whitewash_protocol_eng.pdf) (accessed June 4, 2020).

- Issue clear directives publicly and privately to all security forces that prohibit the use of lethal force, including against children, except in situations where it is necessary to prevent an imminent threat to life or serious injury.
- Refrain from indiscriminate and deliberate attacks on civilians, including children, or use of excessive and disproportionate force during hostilities.

### **Detention, Mistreatment, and Abuse of Children (articles 2, 9, 37, and 40)**

As of September 31, 2022, Israel was detaining 129 Palestinian children from Gaza and the West Bank, including East Jerusalem, as “security prisoners.”<sup>22</sup>

Israel has denied Palestinian children arrested and detained in the West Bank legal protections granted to Israeli children, including settlers: Palestinian children may be detained for longer periods before being brought before a judge, treated as adults at a younger age, and denied the right to have a parent present during questioning. In 2015, Israeli military courts in the West Bank denied bail in 72 percent of cases involving Palestinian children, whereas Israeli civil courts, with jurisdiction over Israeli children, including settlers, denied bail in only 17.9 percent of cases.<sup>23</sup> Palestinian children are not interviewed by a probation officer, who seeks alternatives to detention, as are Israeli children.

Human Rights Watch has found that Israeli security forces routinely interrogate children without a guardian or lawyer present, use unnecessary force against children during arrest, which often takes place in the middle of the night,<sup>24</sup> and physically abuse them in custody.<sup>25</sup>

In January 2018, lawyers for the Palestinian Ahd Tamimi, 16 years old at the time, who had been detained a month prior for slapping a soldier, argued that these practices violate core principles of the Convention, in an attempt to secure her release on bail. The military judge denied the request, saying that he “did not think the articles of the Convention on the Rights of the Child should be viewed as absolute.” Tamimi agreed to a plea deal, in which she served an eight-month sentence.

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<sup>22</sup> Military Court Watch, “Newsletter - October 2022,” citing Israel Prison Service quarterly data,

<https://www.militarycourtwatch.org/page.php?id=7l4ty5e5dka17o6094A31oDwpsuTA> (accessed November 18, 2022).

<sup>23</sup> Association for Civil Rights in Israel (ACRI), “Arrest and Detention of Palestinian Minors in the Occupied Territories: 2015 Facts and Figures,” March 2017, as cited in Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution,” April 27, 2021, [https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution#\\_ftn375](https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution#_ftn375) (accessed November 17, 2022).

<sup>24</sup> Military Court Watch, “Comparative graph - Issues of concern,” March 13, 2019,

<http://www.militarycourtwatch.org/page.php?id=MmNuAkpGrsa613395AWw2bOopT3K> (accessed November 16, 2022).

<sup>25</sup> Human Rights Watch, “Palestine: Israeli Police Abusing Detained Children,” April 11, 2016,

<https://www.hrw.org/news/2016/04/11/palestine-israeli-police-abusing-detained-children> (accessed November 16, 2022).

Palestinians and Jewish Jerusalemites are subject to the same criminal law. However, 77 percent of children arrested in Jerusalem in 2018 were Palestinian, although Palestinians constitute less than 40 percent of Jerusalem's population.<sup>26</sup> Between April 2019 and April 2020, Israeli authorities arrested more than 850 Palestinians, mostly children, many of whom were beaten, from the neighborhood of Issawiya in East Jerusalem.<sup>27</sup>

*Human Rights Watch encourages the Committee to ask the government of Israel:*

- How many arrests of children have Israeli security forces carried out since 2013? Of these, how many are Palestinian?
- How many children are currently in detention? Of these, how many are Palestinian?
- How many cases have been opened into allegations of torture or other ill-treatment against children in detention, since 2013? What were the results of such investigations?
- What training and information is provided to security officers to ensure that children are not subject to torture or other ill-treatment?

*Human Rights Watch recommends that the Committee call upon the government of Israel to:*

- Ensure that every child deprived of liberty shall be treated with humanity and respect for their inherent dignity.
- Ensure that detention is used as a measure of last resort and for the shortest possible period of time.

### **Protection of Education from Attack (articles 2, 6, and 28)**

The Safe Schools Declaration is an inter-governmental political commitment that provides countries the opportunity to express political support for the protection of students, teachers, and schools during times of armed conflict,<sup>28</sup> the continuation of education during armed conflict, and the implementation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.<sup>29</sup> Israel has not endorsed the Declaration but was recommended to do so by the Committee on Economic, Social and Cultural Rights in 2019.<sup>30</sup>

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<sup>26</sup> Human Rights Watch, "A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution," April 27, 2021.

<sup>27</sup> Ibid.

<sup>28</sup> Safe Schools Declaration, May 28, 2015,

[https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe\\_schools\\_declaration.pdf](https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf) (accessed November 11, 2022).

<sup>29</sup> Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, March 18, 2014,

[http://protectingeducation.org/sites/default/files/documents/guidelines\\_en.pdf](http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf) (accessed November 11, 2022).

<sup>30</sup> UN Economic and Social Council, Committee on Economic, Social and Cultural Rights, "Concluding observations on the fourth periodic report of Israel," November 12, 2019,

### *Attacks on Schools*

During hostilities between Israel and Palestinian armed groups in Gaza in 2014, Israeli attacks hit three schools where civilians were sheltering on July 24 and 30 and August 3, 2014, killing 45 people, including 17 children.<sup>31</sup>

Israeli attacks on Palestinian schools occurred frequently from 2017 to 2019, particularly in the West Bank, with reports of over 100 attacks on schools and interference with education each year.<sup>32</sup> Search and arrest operations in schools by Israeli security forces, including the use of teargas, and attacks by Israeli settlers were among the most-frequently reported forms of violence.

In 2020 and 2021, the Global Coalition to Protect Education from Attack (GCPEA) identified over 429 reported attacks on schools and interference with education in Palestine.<sup>33</sup> In the hostilities that enveloped Gaza in May 2021, Israeli bombardments affected over 290 kindergartens, schools, and higher education facilities.

In the West Bank, including East Jerusalem, demolition or stop-work orders, teargas or other weapons firing at or near schools, military presence near schools, and checkpoint delays affected thousands of students and educators.<sup>34</sup>

Israeli military authorities demolished or confiscated Palestinian school buildings or property in the West Bank at least 16 times from 2010 to April 2018, with 12 incidents since 2016, and in some cases, the same schools were repeatedly targeted.<sup>35</sup> Israeli authorities have stated that the schools lacked building permits from the Israeli military, but the military almost never grants Palestinians building permits in the 60 percent of the West Bank where Israel exercises exclusive control (Area C) or in East Jerusalem.<sup>36</sup> In Area C, authorities approved less than 1.5 percent of applications by Palestinians to build between 2016 and 2018—21 in total—a figure 100 times

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[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fISR%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fISR%2fCO%2f4&Lang=en) (accessed November 16, 2022).

<sup>31</sup> Human Rights Watch, “Submission by Human Rights Watch to the Committee on Economic, Social and Cultural Rights on Israel,” January 28, 2019, [https://www.hrw.org/news/2019/01/28/submission-human-rights-watch-committee-economic-social-and-cultural-rights-israel#\\_ftnref2](https://www.hrw.org/news/2019/01/28/submission-human-rights-watch-committee-economic-social-and-cultural-rights-israel#_ftnref2) (accessed November 15, 2022).

<sup>32</sup> Global Coalition to Protect Education from Attack (GCPEA), *Education Under Attack 2020: Country Profiles*, “Palestine,” 2020, [http://protectingeducation.org/wp-content/uploads/eua\\_2020\\_palestine.pdf](http://protectingeducation.org/wp-content/uploads/eua_2020_palestine.pdf), (accessed November 11, 2022).

<sup>33</sup> GCPEA, *Education Under Attack 2022: Country Profiles*, “Palestine,” 2022, [https://protectingeducation.org/wp-content/uploads/eua\\_2022\\_palestine.pdf](https://protectingeducation.org/wp-content/uploads/eua_2022_palestine.pdf) (accessed November 11, 2022).

<sup>34</sup> *Ibid.*

<sup>35</sup> Human Rights Watch, “Israel: Army Demolishing West Bank Schools,” April 25, 2018, <https://www.hrw.org/news/2018/04/25/israel-army-demolishing-west-bank-schools> (accessed November 15, 2022).

<sup>36</sup> Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution.”

smaller than the number of demolition orders it issued in the same period, according to official data.<sup>37</sup> This effectively forces Palestinians to not build schools or to build at the risk of having their “unauthorized” school bulldozed for lacking a permit. A UN 2016 country analysis found that over a third of Palestinian communities in that area did not have primary schools, and 10,000 children attended school in tents, shacks, or other structures without heating or air-conditioning.<sup>38</sup> About 1,700 children had to walk five or more kilometers to school due to road closures, lack of passable roads or transportation, or other problems, according to 2015 UN estimates.<sup>39</sup> The long distances and fear of harassment by settlers or the military lead some parents to take their children out of school, with a disproportionate impact on girls.<sup>40</sup>

Israel’s blanket denial of permits to build or renovate Palestinian schools, its destruction of Palestinian schools, and its failure to replace them, violate its obligation as an occupying power to “facilitate the proper working of all institutions devoted to the care and education of children,” and violates the prohibition on interfering with the activities of educational institutions or requisitioning their property.<sup>41</sup> International humanitarian law prohibits an occupying power from destroying property unless “absolutely necessary” for “military operations.”<sup>42</sup>

Israeli policy leads to demolitions of hundreds of Palestinians homes a year. Between January 2018 and September 2022, Israeli authorities demolished 3,533 Palestinian homes and other structures in the West Bank, including East Jerusalem, largely for lacking a building permit, displacing 4,353 people, more than half of whom were children, according to OCHA.<sup>43</sup> In May

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<sup>37</sup> Hagar Shezaf, “Israel Rejects Over 98 Percent of Palestinian Building Requests in the West Bank’s Area C,” *Haaretz*, January 21, 2020, <https://www.haaretz.com/israel-news/.premium-israel-rejects-98-of-palestinian-building-permit-requests-in-west-bank-s-area-c-1.8403807> (accessed October 10, 2022).

<sup>38</sup> United Nations Country Team, Occupied Palestinian Territory, Common Country Analysis 2016, “Leave No One Behind: A Perspective on Vulnerability and Structural Disadvantage in Palestine,” 2016, [https://unsco.unmissions.org/sites/default/files/cca\\_report\\_en.pdf](https://unsco.unmissions.org/sites/default/files/cca_report_en.pdf) (accessed November 15, 2022).

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

<sup>40</sup> Human Rights Watch, “Submission to the CEDAW Committee of Israel’s Periodic Report 68th Session,” October 10, 2017, <https://www.hrw.org/news/2017/10/10/human-rights-watch-submission-cedaw-committee-israels-periodic-report-68th-session> (accessed November 15, 2022).

<sup>41</sup> International Committee of the Red Cross, “Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949,” Commentary of 1958, <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Article.xsp?action=openDocument&documentId=E09D15BDEC76F8D9C12563CD0051BDCC> (accessed November 15, 2022).

<sup>42</sup> Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), adopted August 12, 1949, 75 U.N.T.S. 287, entered into force October 21, 1950, art. 54.

<sup>43</sup> OCHA, “Breakdown of Data on Demolition and Displacement in the West Bank,” <https://app.powerbi.com/view?r=eyJrljoiMmJkZGRhYWQtODkoMSooMmWjklWl2NTktMDg1NGJlMGNiY2Y3liwidCI6IjBmOWUzNWRiLTUoNGYtNGY2MC1iZGNjLTlVYTQxNmU2ZGM3MCIslmMiOjhg> (accessed October 10, 2022).



2022, Israel's High Court of Justice greenlighted the demolitions of the homes of more than 1,000 Palestinians, about half of whom are children, in Masafer Yatta, in the southern West Bank for being located in a closed firing zone for the Israeli army.<sup>44</sup>

*Human Rights Watch recommends that the Committee ask the government of Israel:*

- What plans does the government have to endorse the Safe Schools Declaration?
- Are explicit protections for schools or universities from military use included in any policies, rules, or trainings for Israel's armed forces?

*Human Rights Watch recommends that the Committee call on the government of Israel to:*

- Endorse the Safe Schools Declaration and take concrete measures to deter the military use of schools, including by bringing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into domestic military policy and operational frameworks.
- Suspend policies that arbitrarily prevent Palestinians living in Area C of the West Bank from obtaining construction permits.
- End discrimination in the application of planning, permit, and building laws and regulations that subject Palestinians to discriminatory permit refusals and demolition orders.

### **Children with Disabilities (articles 2, 23, 24, and 27)**

Israel's sweeping restrictions on the movement of people and goods into and out of Gaza deprive the more than 2.1 million Palestinians of Gaza, with rare exceptions, of their right to freedom of movement, severely limit their access to electricity, health care, and water, and have devastated the economy. The closure policy has severe consequences for children with disabilities, as it curbs access to assistive devices, health care, and electricity essential to many people with disabilities, as Human Rights Watch has documented.<sup>45</sup>

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<sup>44</sup> B'Tselem, "The international community must prevent the forcible transfer of Masafer Yatta communities, approved by Israel's High court of Justice," May 5, 2022, [https://www.btselem.org/press\\_release/20220505\\_international\\_community\\_must\\_prevent\\_the\\_forcible\\_transfer\\_of\\_masafer\\_yatta\\_communities\\_approved\\_by\\_hcj](https://www.btselem.org/press_release/20220505_international_community_must_prevent_the_forcible_transfer_of_masafer_yatta_communities_approved_by_hcj) (accessed October 10, 2022); OCHA, "Fact sheet: Masafer Yatta communities at risk of forcible transfer | June 2022," July 6, 2022, <https://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022> (accessed October 10, 2022).

<sup>45</sup> Human Rights Watch, "Gaza: Israeli Restrictions Harm People with Disabilities," December 3, 2020, <https://www.hrw.org/news/2020/12/03/gaza-israeli-restrictions-harm-people-disabilities> (accessed November 16, 2022).

Israeli attacks on Gaza’s sole power plant, restrictions on the entry of parts to repair the plant, and limits on the amount of electricity Israel sells for Gaza, as well as squabbles between Palestinian authorities over payment for the plant’s fuel, leave Gaza residents on most days with between five and 15 hours of electricity.<sup>46</sup> A mother of an 11-year-old girl with cerebral palsy and an intellectual disability said that without electricity she cannot operate the nebulizer her daughter needs when she has trouble breathing, putting her health at risk.<sup>47</sup>

Children in the Gaza Strip whose limbs have been amputated have difficulty getting prosthetic and assistive devices as they grow and require replacements.<sup>48</sup>

In 2020, Human Rights Watch documented that many people with disabilities in Gaza experienced psychological distress as a result of traumatic experiences during hostilities and their inability to flee danger in the event of future attacks, Israel’s closure of Gaza and protracted hostilities, and other barriers.<sup>49</sup> Israeli forces sometimes provided warnings only minutes before carrying out airstrikes—not enough time for people and children with disabilities to flee.

Save the Children reported in June 2022 that four out of five of the children they interviewed in Gaza reported living with depression, grief, and fear after 15 years of closure.<sup>50</sup>

*Human Rights Watch recommends that the Committee call upon the government of Israel to:*

- End the generalized ban on travel to and from Gaza and permit the free movement of people to and from Gaza, and in particular between Gaza and the West Bank, and abroad, subject to, at most, individual screenings and physical searches for security purposes.
- Ensure the entry of assistive devices and sufficient electricity to meet the needs of people and children with disabilities.

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<sup>46</sup> Ibid.

<sup>47</sup> Human Rights Watch, “UN: High Risk in Conflicts for Children with Disabilities,” February 2, 2022, <https://www.hrw.org/news/2022/02/02/un-high-risk-conflicts-children-disabilities> (accessed November 16, 2022).

<sup>48</sup> Human Rights Watch, “Gaza: Israeli Restrictions Harm People with Disabilities,” December 3, 2020.

<sup>49</sup> Human Rights Watch, “Persons with Disabilities in the Context of Armed Conflict,” June 8, 2021, <https://www.hrw.org/news/2021/06/08/persons-disabilities-context-armed-conflict> (accessed November 16, 2022).

<sup>50</sup> Save the Children, “After 15 Years of Blockade, Four out of Five Children in Gaza Say They Are Living with Depression, Grief and Fear,” June 15, 2022, <https://www.savethechildren.net/news/after-15-years-blockade-four-out-five-children-gaza-say-they-are-living-depression-grief-and> (accessed October 10, 2022).

## Child labor (articles 2 and 32)

In April 2015, Human Rights Watch found that Israeli settlement farms in the Jordan Valley, in the West Bank, are using Palestinian child labor to grow, harvest, and pack agricultural produce, much of it for export. Settlements are unlawful under Article 49 of the Fourth Geneva Convention. The settlement farms pay the children low wages and subject them to dangerous working conditions in violation of international standards.<sup>51</sup> Children as young as 11 work on some settlement farms, often in high temperatures. The children carry heavy loads, are exposed to hazardous pesticides, and in some cases have to pay for their own medical treatment for work-related injuries or illness. These include nausea, dizziness, vomiting, breathing difficulties, sore eyes, and skin rashes after spraying or being exposed to pesticides, including inside enclosed spaces. Some complained of back pain after carrying heavy boxes filled with produce or “backpack” containers of pesticide.<sup>52</sup>

Israeli labor laws prohibit youth from carrying heavy loads, working in high temperatures, and working with hazardous pesticides. Israeli labor courts and the Supreme Court have ruled that Israeli labor law protections extend to Palestinian workers in settlements. Israeli military orders have incorporated and apply some domestic laws, including on minimum wage and “foreign workers,” to Palestinians working in settlements in the occupied West Bank. However, Israeli authorities have failed to enforce these laws to protect Palestinian children working in its settlements, and rarely inspect working conditions for Palestinians on Israeli settlement farms.<sup>53</sup>

Of the 38 children interviewed, 33 had dropped out of school and were working full-time on Israeli settlements. Of these, 21 had dropped out before completing the 10 years of basic education that are compulsory under Palestinian as well as Israeli laws.

*Human Rights Watch recommends that the Committee ask the government of Israel:*

- How many children have worked in Israeli agricultural settlements since 2013?

*Human Rights Watch recommends that the Committee call on the government of Israel to:*

- Cease construction and expansion of settlements, dismantle existing settlements, and bring Israeli citizens inhabiting settlements in the West Bank, including East Jerusalem, back within Israel’s internationally recognized borders.

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<sup>51</sup> Human Rights Watch, “Israel: Settlement Agriculture Harms Palestinian Children,” April 13, 2015, <https://www.hrw.org/news/2015/04/13/israel-settlement-agriculture-harms-palestinian-children> (accessed November 16, 2022).

<sup>52</sup> Ibid.

<sup>53</sup> Human Rights Watch, “Ripe for Abuse: Palestinian Child Labor in Israeli Agricultural Settlements in the West Bank,” April 13, 2015, <https://www.hrw.org/report/2015/04/13/ripe-abuse/palestinian-child-labor-israeli-agricultural-settlements-west-bank> (accessed November 29, 2022).

- Prohibit employment of children under the age of 15, and the employment of children under age 18 in hazardous work, and impose penalties on employers or contractors who violate these prohibitions.
- Lift unlawful restrictions on Palestinians in occupied territory that contribute to Palestinian poverty and unemployment, and to the vulnerability of Palestinian children to rights abuses on settlement farms and dropping out of school, including restrictions on Palestinian freedom of movement.
- Cease providing financial incentives, including subsidies for development costs in settlements and lower tax rates, to Israeli and international businesses located in the occupied West Bank.