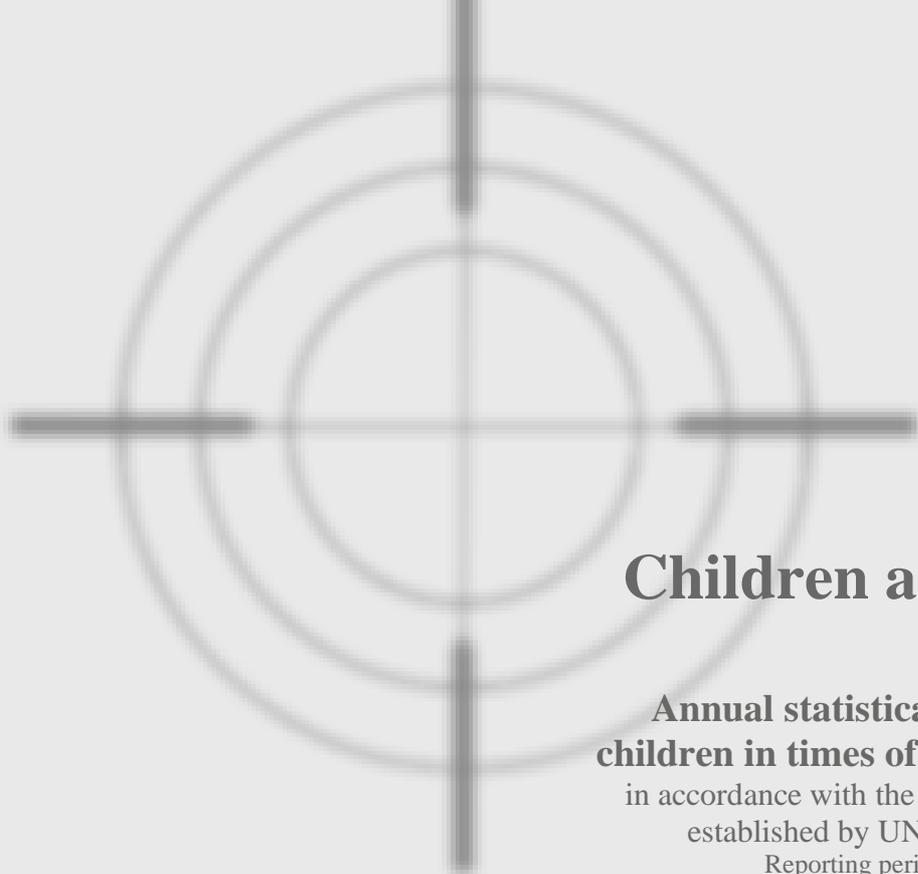




Photo: Ali Jadallah
Gaza Strip



Children and Armed Conflict

Annual statistical report on violations against children in times of armed conflict in the Gaza Strip
in accordance with the Monitoring and Reporting Mechanisms established by UN Security Council Resolution 1612
Reporting period: 1 January – 31 December 2022



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Introduction

Children are the most vulnerable at times of armed conflict as they are incapable of taking necessary measures to maintain their wellbeing and are thus entirely dependent on others to meet their survival needs. Therefore, children are not only affected by direct targeting leading to their death or injury but are also gravely affected by any harm to their guardians, homes, schools, and hospitals as it puts the enjoyment of their basic needs in jeopardy. In addition to falling victims to direct and indirect targeting, children in regions ravaged by armed conflict have been actively exploited and recruited into the ranks of armed groups and states' armed forces to take part in hostilities.

In the context of the occupied Palestinian territory, particularly in the Gaza Strip, Palestinian children fall victims to an array of grave violations perpetrated by Israeli authorities and, to a lesser extent, Palestinian non-state actors. The most common grave violations against children documented in Gaza include killing, injury, arrest and detention, attacks against schools and hospitals, and denial of humanitarian access.

The figures presented in this statistical report, which are based on Al Mezan's data collected from the field, cover grave violations against children in situations of armed conflict in accordance with the UN-established Monitoring and Reporting Mechanism (MRM) pursuant to UN Security Council Resolution 1612.

It is important to note the report provides data on the most common types of, and not necessarily all, grave violations recorded in the reporting period. As such, the absence of a grave violation category in the report should in no way be taken as a confirmation of the non-occurrence of such violation.

Preconditions for reporting violations under the Monitoring and Reporting Mechanism (MRM) in accordance with UN SC Resolution 1612

Context: the acts must be committed in the context of and be associated with armed conflict.

Victim: a child or children, i.e. persons under 18 years of age.

Perpetrator: Members of state armed forces or a non-state armed group.

Armed forces: refers to the armed forces of a state.

Armed groups: refers to groups distinct from armed forces.

The MRM does not typically focus on isolated violations committed by civilians in what could be characterized as criminal activities.



Background

From the outset of its establishment, the United Nations has maintained that children are entitled to special care and assistance by enshrining this universal conviction in the Universal Declaration of Human Rights, and later expanding upon it in the Declaration of the Rights of the Child (adopted in 1959), the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights (both entered into force in 1976). Yet the alarming rise in exploitation and recruitment of children in armed conflicts during the nineteen eighties made evident that more concrete actions were required on the part of the international community. In 1989, the United Nations adopted the landmark Convention on the Rights of the Child, the first legally binding international instrument entirely dedicated to children's rights.

The convention, which entered into force in 1990, adopts a set of non-negotiable, internationally accepted standards and obligations that provide protection and support for children's rights. Although the convention defines a child as any human under the age of eighteen years, it only obligates States Parties to refrain from recruiting children under fifteen into armed forces.

The Committee on the Rights of the Child, a body of experts in charge of monitoring and reporting on the implementation of the Convention, proposed implementing a major study to further understand the impact of armed conflicts on children. As a result, in December 1993, the UN General Assembly (UN GA Resolution 48/157) requested that the UN Secretary-General appoints an expert to undertake a comprehensive study on the subject matter, including the participation of children in armed conflicts. Ms. Graça Machel was appointed by the UN Secretary-General to conduct the study, which was submitted to the UN General Assembly in 1996.

The study recommended, *inter alia*, establishment of a special representative of the UN Secretary-General on children and armed conflict to keep the protection of children on the international human rights agenda; greater involvement of the Security Council concerning child-specific concerns, particularly the issue of child soldiers; and establishment of mechanisms by UN agencies for reporting on violations of children's rights. (UN GA A/51/306 paragraphs 266, 282, and 284).

In 1997, the first Special Representative of the UN Secretary-General for Children and Armed Conflict was appointed, and in 2000, the UN General Assembly adopted two Optional Protocols to the Convention on the Rights of the Child: one on the Sale of Children, Child Prostitution and Child Pornography; and another on the Involvement of Children in Armed Conflict. The latter prohibits compulsory recruitment of children under 18 years into States Parties' armed forces, and prohibits their recruitment, under any circumstances, into armed groups.

In 1999, the UN Security Council unanimously adopted Resolution 1261, the first Security Council resolution to address the targeting of children in armed conflicts including the recruitment and use of child soldiers. In 2003, the UN Secretary-General presented in his annual report on Children and Armed Conflict a list of "especially egregious violations" that should receive priority in monitoring activities. The list included, among others: recruiting and



use of child soldiers, the killing and maiming of children, and the denial of humanitarian access to children.

Several other Security Council resolutions on the issue were adopted between 2000 and 2005, culminating in the adoption of UN Resolution 1612 (in 2005) which provided for the establishment of a monitoring and reporting mechanism (MRM) to “provide timely, objective, accurate and reliable information on the recruitment and use of child soldiers in violation of applicable international law and on other violations and abuses committed against children affected by armed conflict.”

The MRM was to be established in country-situations where parties to the conflict had been listed in the annex of the annual report of the Secretary-General on Children and Armed Conflict. Initially, only parties involved in the recruitment and use of children in armed conflict were listed in the annual report but the criteria for listing parties was later expanded pursuant to UN Security Council resolutions 1882, 1998, and 2225 to include: killing and maiming of children; rape and other sexual violence against children; attacks or threats against schools and hospitals; and abduction of children.

Pursuant to UN Resolution 1612, a Country Task Force on Monitoring and Reporting, led by UNICEF and the UN High Representative, is established in country-situation listed in the annex of the UN Secretary-General annual report on Children and Armed Conflict to manage implementation of MRM locally and report back to the Security Council-level Working Group (also established under UN Resolution 1612), consisting of all members of the Council, which is in charge of reviewing the progress of MRM and making recommendations to the council on possible measures to strengthen protection of children affected by armed conflict.

Monitoring and Reporting Mechanism Reports:

The Country Task Force for Monitoring and Reporting is established to implement the MRM at a country level and submit regular reports on children affected by armed conflict to the UN Security Council Working Group, which in turn makes recommendations to the UN Security Council on possible measures to promote the protection of affected children, including by recommending sanctions against perpetrators of grave violations against children.

The country-level working group for Israel and oPt has been reporting on the six grave violations listed in the UN SG annual reports on Children and Armed Conflict, in addition to three other country-specific violations.

The six grave violations against children:

- Killing and maiming children.
- Recruitment or use of children as soldiers.
- Sexual violence against children.
- Abduction of children.
- Attacks on schools and hospitals.
- Denial of humanitarian access to children.

In the context of oPt and Israel, the country-level working group additionally reports on:

- Arrest and detention
- Torture and ill-treatment
- Displacement

UNICEF has led the country-level working group, composed of Palestinian, Israeli, and international human rights organizations, to voluntarily report on violations committed against children in Israel and the occupied Palestinian territory.



Chart 1: Child victims of Israeli forces and Palestinian non-state actors in the Gaza Strip in 2022



Grave violations against children in the Gaza Strip

Killing and maiming of children

The year 2022 saw an increase in the number of children killed or maimed in direct or indirect conflict-related incidents in the Gaza Strip, most notably Israel's military offensive in August, which resulted in many children casualties, in addition to internal conflict-related incidents, such as firearm misuse and blasts caused by unexploded ordinances, explosive devices and missiles.

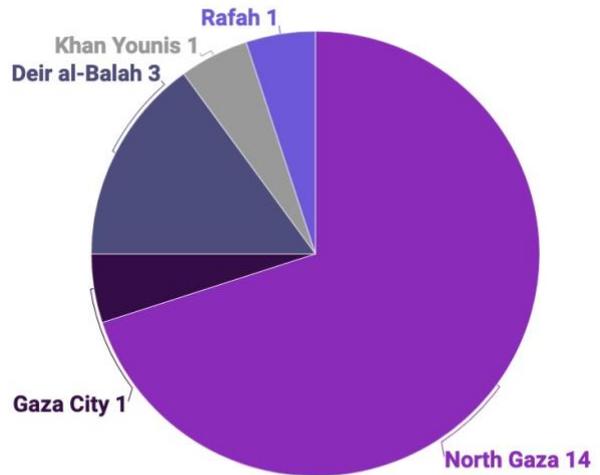


Chart 2: Distribution of child fatalities by district

Child casualties of conflict-related incidents in 2022	
Children killed	20
Children maimed	170
Total number of children casualties	190



Photo: Ali Jadallah
Gaza Strip

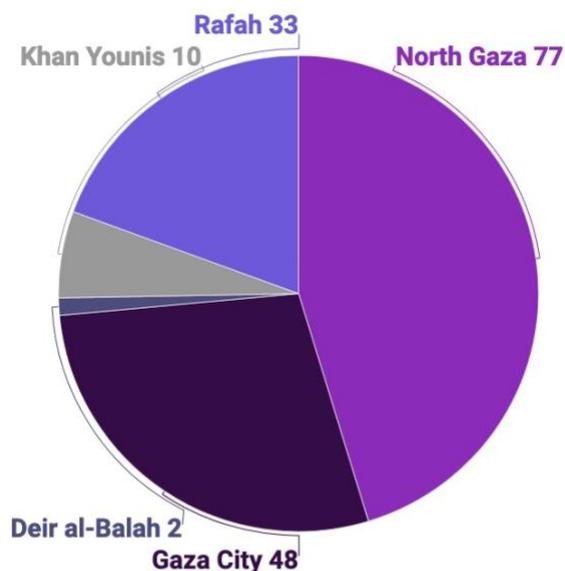


Chart 3: Distribution of maimed children by district

Arrest and detention of children

Typically, Palestinian children (residents of Gaza) are arbitrarily arrested and detained by Israeli forces after approaching or crossing the separation fence, during Israeli incursions into Gaza, or in the context of the Israeli navy's regular arrests of Palestinian fishers off the coast of the Gaza Strip. Israeli forces arrested 23 children in the Gaza Strip in the reporting period.

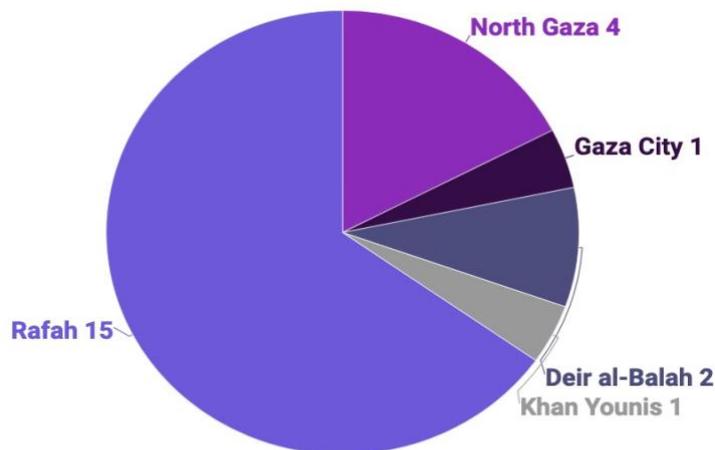


Chart 4: Distribution of detained children by district



Attacks against schools and hospitals

Educational and medical facilities in the Gaza Strip are subject to total or partial damage, as well as any other interference to their normal operation, as a result of direct shelling and shooting or targeting in their close vicinity. According to Al Mezan's documentation, two schools were partially damaged in the reporting period.



Photo: Mohammed Al Baba
Gaza Strip



House demolitions (Displacement)

Israel's military airstrikes and tank shelling of Palestinian homes in the Gaza Strip, mainly those near the separation fence, have forced many families to flee their homes. According to Al Mezan's documentation, 69 residential units were destroyed or severely damaged in 2022, displacing 322 individuals, including 110 women and 111 children. This widespread practice of demolishing Palestinian houses, even when not resulting in mass destruction, always leads to the displacement of the house residents.

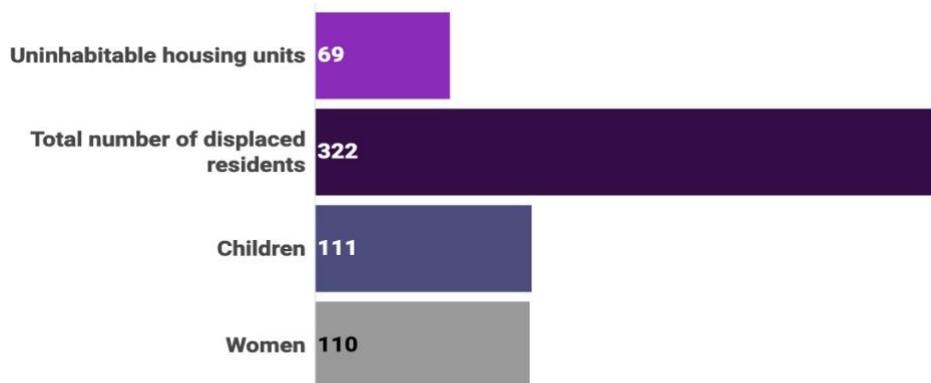


Chart 5: Displacement





Denial of humanitarian access

Rooted in severe restrictions on the movement of people and goods, Israel's closure has crippled Gaza's healthcare system and subjected thousands of Palestinian patients with life-threatening conditions to additional suffering. Al Mezan's documentation shows that, in 2022, three children died after they could not secure the required Israeli-issued permits to leave Gaza to receive medical care at West Bank Hospitals.

Al Mezan also received legal complaints concerning 300 children who need medical care outside the Gaza Strip, only 144 of whom were eventually able to leave Gaza through Al Mezan's assistance.



Conclusion

Although Israel ratified the Convention on the Rights of the Child, the state's military continues to systematically violate the rights of Palestinian children in the occupied Palestinian territory. Al Mezan's monitoring and documentation in the Gaza Strip, in accordance with the MRM, indicate that killing and maiming of children, displacement, and denial of humanitarian access are the most prevalent types of grave violations against children in the Gaza Strip.

Children in the Gaza Strip are disproportionately affected by conflict-related incidents, particularly Israel's direct and indirect attacks, as well as the repercussions of Israel's closure, which include severe restrictions on freedom of movement, in addition to conflict-related incidents such as the misuse of firearms and unexploded ordnance.

Al Mezan Center for Human Rights strongly condemns the continued violations against Palestinian children in the Gaza Strip. Al Mezan believes that the continued Israeli violations of the International Humanitarian Law and the International Human Rights Law is but a reflection of the international community's failure to carry out its legal and moral obligations to protect children's rights in the oPt, which in turn has emboldened perpetrators to continue unabated with such actions. Al Mezan reiterates its call on the international community to take urgent and effective action to put an end to Israeli violations of the rules of international law, particularly those relevant to children's rights, and to ensure justice for child victims of grave violations by holding perpetrators to account.



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