



# Mapping Child Protection Systems in Place for Palestinian Refugee Children in the Middle East



August 2011

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**The Child Rights Governance Programme in Save the Children Sweden's Regional Office for the Middle East and North Africa implemented the activities of the Manara Network: A Civil Society for Child's Rights in the Middle East and North Africa Region.**

Work on Child Rights Governance aims to build societies that fulfil children rights by establishing and strengthening the infrastructure necessary for states to effectively implement the United Nations Convention on the Rights of the Child and other child rights obligations. It seeks to support a vibrant civil society pushing children up the political agenda and holding states to account for what they have or haven't done to realise children's rights. It is an effective strategy for impacting at scale the lives of millions of children, resulting in structural and lasting change.

Our long-term vision is that far more children have their rights fulfilled because:

- All states meet their obligations to monitor and implement children's rights
- A strong civil society, including children, holds states and the international community to account for children's rights

To advance this vision the Child Rights Governance Programme will have significantly contributed to two key objectives:

- Strengthened State institutions and mechanisms for the implementation and monitoring of children's rights,
- Increased awareness and capacity among civil society and children to promote children's rights and hold duty bearers to account

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*Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation.*

*Save the Children's mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.*

*The Manara Network is a regional network focused on coordinating and promoting information and action on children's rights in the Middle East and North Africa. Based on the belief that civil society can and should play a key role in the protection and promotion of human rights in general and child rights in particular, Manara aims to support civil society organisations and children in the MENA region in their role as advocates and active development partners for the rights of the child.*

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# Foreword

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The project “Manara Network: A Civil Society for Child’s Rights” was designed and has been implemented by Save the Children Sweden in a time when the Middle East has experienced an Arab spring.

Our partners, Defence for Children International - Palestine Section and Developmental Action Without Borders, Naba’a, were key in producing this regional report, a component of the Manara Network project.

The objective of this innovative project is to assure and contribute to effective development and implementation of policies, strategies and legislation in line with the Convention on the Rights of the Child at the national and regional levels in Middle East and North Africa countries. The overall project aim is to establish a regional child rights network of civil society organisations by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programme mainstreaming with a high degree of children’s participation. During the year, children across the region have been actively involved in the newly-developed child-led data collection. Based on their findings, the children developed their own animated movies for advocacy purposes, which can be found at [www.manaracrc.org](http://www.manaracrc.org).

On behalf of Save the Children Sweden’s Regional Office for the Middle East and North Africa, I am happy to introduce you to one of the key components of the Manara project, the regional review, a report exploring commendable practices implemented by government, civil society (parents, non-governmental organisations, media, religious leaders, etc.) and the international community (United

Nations agencies and international non-governmental organisations) towards compliance with the Convention on the Rights of the Child and its Optional Protocols.

The regional review component of the Manara project is a rigorous and exhaustive report on a key regional concern identified by partners and important to implementation of the Convention on the Rights of the Child. The report aims to be a resource for identifying gaps and challenges on the status of the implementation of the Convention and to identify commendable practices implemented by the State, civil society and the international community in addressing these issues.

We encourage its use as an inspiration to neighbouring countries, since the exchange of experiences presented in the regional review can only lead to positive changes in the promotion and protection of children’s rights in the region.

I would also like to thank the Swedish International Development Cooperation Agency and their regional office in Cairo who believed in this idea and made the funding available.

Sanna Johnson  
Regional Director, Save the Children Sweden

Regional Office for the Middle East and North Africa



# Acronyms



CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBOs	community-based organisations
CBRA	Community-Based Rehabilitation Association
CFP	community focal points
CP	child protection
CPC	Child Protection Committee
CPN	Child Protection Network
CPS	Child Protection System
CRC	United Nations Convention on the Rights of the Child
CSO	Camp Services Officer
CSO	civil society organization
CTCCM	Community Training Centre for Crisis Management
CYC	Children and Youth Centre
DCI-Palestine	Defence for Children International - Palestine Section
DRC	Danish Refugee Council
YMCA	East Jerusalem Young Men's Christian Association
ETI	Educational Technical Instructions

FGD	focus group discussions
FPP	Family Protection Project
FO	Field Office
HCC	Higher Council for Childhood
HQ	Headquarter
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHR	Independent Commission for Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IDPs	internally displaced persons
ILO	International Labour Organisation
ILO-IPEC	International Programme on the Elimination of Child Labour
INGO	international non-governmental organisation
ISF	Internal Security Forces
LPDC	Lebanese Palestinian Dialogue Committee
MoDEDA	Ministry of Detainees' and Ex-Detainees' Affairs



MoE	Ministry of Education	PNCR	Palestinian Network for Children's Rights
MoEHE	Ministry of Education and Higher Education	PoCD	Protection of Childhood Department
MoH	Ministry of Health	ROC	Resources and Orientation Centre
MoI	Ministry of Interior	SAWA	All the Women Together Today and Tomorrow
MoJ	Ministry of Justice	SDC	Social Development Centres
MoSA	Ministry of Social Affairs	UN	United Nations
MoU	Memorandum of Understanding	UNCCP	United Nations Conciliation Commission on Palestine
NGO	non-governmental organisation	UNDAF	United Nations Development Assistance Framework
NRC	Norwegian Refugee Council	UNDP	United Nations Development Programme
OCHA	United Nations Office for the Coordination of Humanitarian Affairs	UNHCR	United Nations High Commissioner for Refugees
OHCHR	Office of the High Commissioner for Human Rights	UNICEF	United Nations International Children's Fund
oPt	occupied Palestinian territory	UNRWA	United Nations Relief and Works Agency for Palestinian Refugees in the Near East
OSO	Operations Support Officer Programme	UPEL	Union for Protecting Childhood in Lebanon
PA	Palestinian Authority	UPR	Universal Periodic Review
PalWHO	Palestinian Women's Humanitarian Organisation	WCLAC	The Women's Centre for Legal Aid and Counselling
PCDCR	Palestinian Centre for Democracy and Conflict Resolution		
PCYI	Palestinian Children and Youth Institution		
PLC	Palestinian Legislative Council		
PLO	Palestine Liberation Organisation		





# Executive Summary

.....

## 1. About This Study

Palestinian refugee children growing up in the context of the protracted Israeli-Palestinian conflict are particularly vulnerable and in need of protection.

This report aims at describing and analysing existing protection mechanisms available for Palestinian refugee children with a focus on Lebanon and the occupied Palestinian territory (oPt). It is the result of a Save the Children Sweden research project through the Manara Network: A Civil Society for Child Rights in the MENA region, conducted with Naba'a (for Lebanon), Defence for Children International-Palestine Section (DCI-Palestine) (for the West Bank, including East Jerusalem) and The Palestinian Centre for Democracy and Conflict Resolution (PCDCR) (for the Gaza Strip) as implementing partners.

Studies aimed at mapping child protection risks and child protection mechanisms and services can be conducted either by collecting quantitative data or qualitative data, or a combination of both. This research effort gathered qualitative data based on a combination of tools and sources, including assessment by key informants. Consequently, it does not provide an exhaustive study of all child protection mechanisms and services available for Palestinian refugee children, but is rather an analysis of the most important ones identified by this research.

By the end of 2008, at least 7.1 million (67%) of 10.6 million Palestinians worldwide were refugees or forcibly displaced persons, their numbers breaking down into at least 6.6 million Palestinian refugees and 427,000 internally displaced persons (IDPs). Palestinians are one of the

largest displaced populations, constituting half of all refugees worldwide. Palestinian refugees fall into three general categories. The largest group (5.7 million) is composed of refugees from 1948, including 4.7 million UNRWA registered refugees. The second group of refugees (955,247 people) are refugees from 1967. The third category is comprised of an unknown number of Palestinians who fit neither of these earlier categories but who have also been displaced outside the area of "historical Palestine" (Israel and the oPt) and are likely to be refugees.

Children comprise nearly half of the entire global refugee and displaced population. At the end of 2005, 44% were children under the age of 18 (and 12% were under the age of five). The proportion of children to the entire refugee population is among the highest in the Middle East. More than half of the refugee population in this area is under the age of 18.

Research on the protection of Palestinian refugee children in the Middle East cannot be separated from the broader context of the ongoing problem of Palestinian refugees and the absence of durable solutions for this population. In this context, securing the implementation of the rights of Palestinian refugee children through efficient protection mechanisms is as important as reaffirming and raising awareness about their rights. It is also understood that working towards better child protection systems and mechanisms contributes to the fulfilment of Palestinian refugee children's rights. There is, therefore, no contradiction in analysing protection mechanisms even though the child rights of Palestinians are still not fully respected.

The aim of this research is to describe and analyse the existing child protection systems (CPS) for Palestinian refugee children by identifying strengths and best practices, weaknesses and gaps, as they relate to either the CPS in general, or to the specific situation of Palestinian refugee

## “Securing the implementation of the rights of Palestinian refugee children through efficient protection mechanisms is as important as reaffirming and raising awareness about their rights..”



victims of violence, abuse, exploitation and neglect, and children in conflict with the law.

The roles and activities of respective duty-bearers and stakeholders vary from one country to another due to a wide range of factors. Thus, differences between the countries of Syria and Jordan and the countries of Lebanon and the oPt are notable. Additional key differences exist between oPt and Lebanon. However, despite these variations in roles and activities a certain standard of protection should be available for all. Most importantly, the State constitutes the primary duty bearer of child rights.

While this research covers four countries (i.e., Jordan, Lebanon, oPt, and Syria), its main focus is on Lebanon and the oPt due to the specific situation of Palestinian refugees in those two countries. In this way, the research offers comparison points and identifies good examples of protection mechanisms within one setting that could be repeated in other contexts.

Ultimately, this report aims at drafting recommendations for supporting and strengthening commendable existing

children. Ultimately, the key question of the study is to determine to what extent the CPS are available to this target group. Consequently, the research does not outline the protection risks affecting Palestinian refugee children. Nor does it provide an exhaustive quantitative mapping of all protection mechanisms and services. Two main categories of children will be addressed: children who are

mechanisms, addressing gaps, and establishing the foundation for designing new tools to ensure functioning CPS for Palestinian refugee children. First, this report will help organisations/institutions working in the field of child protection in ensuring more targeted programming that will establish and strengthen national child protection systems, as well as promoting the development and enforcement of child protection policies and protocols at the national and civil society levels. Second, it is hoped that this research will be used by key duty bearers and stakeholders, from the relevant government authorities and international organisations like UNRWA all the way down to the community, to improve child protection mechanisms and therefore implement the rights of Palestinian refugee children.

One of the key challenges is the lack of comprehensive data with regard to Palestinian refugee children. There is a general lack of baseline and disaggregated data on Palestinian children and, when available, data is characterized by uneven quality and uncertainty, primarily due to the absence of a comprehensive registration system, frequent migration, and the lack of a uniform definition. Other challenges include differences of status, treatment, and the situation of Palestinian refugees throughout the Middle East; variations in what child protection means; and the politicised nature of the problem of Palestinian refugees.

## 2. Palestinian Refugees

The term “Palestinian refugees” encompasses a heterogeneous population: displaced persons from the area of “historic Palestine” (Israel and the oPt). The expression “Palestinian refugee” in common language describes all those Palestinians who have become (and continue to be) externally displaced (with regard to refugees of 1948,



outside the area that became the State of Israel, and with regard to displaced persons of 1967, outside the oPt) in the context of the ongoing Israeli occupation and annexation of Palestinian land, as well as their descendants.

The United Nations (UN) established two agencies mandated to specifically provide protection and/or assistance to Palestinian refugees: the United Nations Conciliation Commission on Palestine (UNCCP) and UNRWA. These agencies were designed to complement each other; the UNCCP was primarily mandated to ensure the protection of Palestinian refugees and UNRWA was assigned with the mandate of assisting them. Both UN organisations already existed when the Refugee Convention was adopted in 1951. Furthermore, due to various factors, it was decided that the United Nations High Commissioner for Refugees (UNHCR) Statute and the 1951 Convention relating to the Status of Refugees would not be applicable to refugees receiving protection and assistance from any other UN agency, unless and until such protection or assistance ceased without an internationally-accepted solution being found.

UNRWA remains the main service provider for Palestinian refugees with a regular budget for 2010 and 2011 of US 1.23 billion and five fields of operation (Jordan, Syria, Lebanon, West Bank and Gaza Strip). It provides eligible Palestine refugees—4.7 million registered refugees—with assistance. The agency's main focus is to provide education, health, relief and social services, including shelter rehabilitation. One-third of the registered Palestine refugees, about 1.3 million, live in 59 recognized refugee camps in the areas of operation. UNRWA, however, does not have a definition of child protection, nor does it have a specific child protection policy.

## i. Lebanon

The situation for Palestinian refugees in Lebanon is quite different from everywhere else. Based on the Cairo Agreement in 1969, a significant level of autonomy was granted to the refugee camps, even allowing for the factions to be armed. To this today, Lebanese police and army do not have access to the vast majority of the camps, even though the Cairo Agreement was officially abrogated in 1987. Thus, the State cannot ensure that available protection mechanisms, or even the rule of law in general, are enforced in the camps and consequently does not act in accordance with its responsibility as the main duty-bearer for the Palestinian refugees.

Within the camps, three types of groups share “authority”: the political factions (parties), the Popular Committees (government), and the security committees (camp police). UNRWA has recently established the unit of field protection officer whose main tasks include monitoring and reporting on issues of physical safety and protection in the camps. This unit was established too recently to be adequately reviewed; nevertheless, it is definitely a step in the right direction. Here, it is important to summarize that the general shortcomings concerning child protection within UNRWA are that there is no comprehensive child protection document or policy—only general codes of conduct that are applicable to all UN employees—and the lack of coordination between UNRWA departments.

Law 422 is the main legislation for children in Lebanon. It regulates issues of protection, juvenile justice and child labour. However, the law contains several weaknesses in regard to both protection issues and protection mechanisms. Specifically, it does not clearly stipulate that cases of children's rights abuses must be reported. United Nations Children's Fund (UNICEF) asserts that, given the gaps in the current law, a new child protection law should



Children lean over a wall in a refugee camp in Lebanon. *Courtesy of Save the Children Sweden*

be envisaged and Law 422 amended. Nevertheless, the main issue remains whether this law covers Palestinian refugee children at all. In principle, Lebanese laws are applicable everywhere in Lebanese territory, yet the Palestinian refugee camps still have a special status that practically prevents Lebanese state institutions from actively enforcing its laws in the camps. The Lebanese Palestinian Dialogue Committee was created in 2005 and aims to improve the situation of Palestinian refugees in Lebanon and to facilitate the communication and coordination between the Palestinian camps and the Lebanese authorities. However, research has shown that this committee is not sufficient for addressing this complex and challenging

issue; therefore a ministry for Palestinian Refugee Affairs should be set up in the Lebanese government.

Beyond the issue of enforcement, it does not seem that the national CPS currently has the capacity to adequately address cases of Palestinian refugee children. Furthermore, no statistical or quantitative studies have ever addressed the issue of Palestinian child protection cases addressed by various Lebanese state institutions in order to provide a definitive answer to this question.

International and local non-governmental organisations (NGOs) are trying to fill this gap in the CPS by carrying



out a series of projects and programmes focused on child protection. It is important to note that the spectrum of activities labelled under “protection” can be very broad. For example, a number of NGOs are committed to awareness and social intervention activities to prevent and respond to child abuse, while other NGOs may also be implementing independent protection interventions. Additionally, the work of these NGOs might be hampered by the individual governmental structure of each camp, which may limit access or establish camp-specific mechanisms. What’s more, the lack of coordination between the NGOs is problematic, resulting in both duplication of activities, and gaps in protection services. A workshop organized with NGOs and community-based organisations (CBOs) in the context of this research found that, while there are numerous awareness-raising campaigns undertaken as prevention, there are only a few services available to respond to existing child protection risks.

In the absence of a national child protection or referral network, several mechanisms exist that vary in size, scope, and area of coverage. They exist only among limited groups of NGOs and in an informal manner. The most established and formalized referral system in Lebanon is the psychosocial and disability referral system set up by Handicap International, based on a mapping of all relevant organisations and institutions active in the refugee camps and gatherings. Over the years, this has developed into a reporting and referral system carried out in combination with training sessions. Certain challenges have been identified, like the need to have more NGOs specialized in protection and the need to create more shelters for children throughout Lebanon. This mechanism, unfortunately, is characterized by its limited scope, as it only concerns psychosocial and disability services. Nevertheless, it provides interesting lessons on the establishment

of an overall referral system and could be used as a model for other areas.

## ii. Occupied Palestinian Territory

The situation of refugee children’s rights in the oPt has to be looked at through the framework of occupation, annexation, and ongoing forced displacement. In 2010 alone, 396 Palestinian structures were demolished by the Israeli army and as a result, 561 Palestinians were displaced—including 280 children. In the shadow of the occupation, the major problem for Palestinian refugees is that the root causes for their displacement (military attacks, settler violence, settlements, residency rights revocation, etc.) are ongoing. As a result, not only is the just solution—the implementation of the right of return—seemingly unachievable, but the fear is eminent that those refugees will be further pushed away from their homes of origin.

While on the one hand, in this situation, it seems impossible to guarantee or ensure a certain level of child protection, on the other hand it is all the more important to try to do so. An important component here is that—after family members—the most commonly identified perpetrators of child rights violations in the oPt are the Israeli authorities and Jewish settlers.

Even though the State of Israel is the primary duty-bearer towards Palestinian refugees (and the overall Palestinian population) in the oPt, in practice, Israel is not providing Palestinians with the protection required by international law. Israel’s legal obligations apply to the entire territory over which it has sovereignty or exercises jurisdiction (i.e., Israel and the oPt). In the oPt, the Palestinian Authority (PA) has protection responsibilities towards the Palestinian population, but its ability to protect is constrained by Israel, the occupying power. The State of Israel, therefore,

has the primary obligation to protect the Palestinian civilian population, including refugees. Instead, however, it is a primary perpetrator of child rights violations. In East Jerusalem where even Israeli law applies, for example, the laws are applied with such discrimination that Palestinian refugee children do not benefit from them at all. Therefore, it is imperative that the PA, along with international organisations such as UNRWA, and Palestinian civil society, work to fill that protection gap and ensure the availability of sufficient protection mechanisms for Palestinian refugee children in the oPt.

Possible tools for achieving this could include amending the Palestinian Child Law, which includes elements of the CRC, as well as the mandating of child protection officers

to serve as focal points for child protection in the oPt. Fortunately, the PA has voluntarily endorsed the CRC and responded to criticism of the current Palestinian Child Law by drafting an amendment, as well as a Juvenile Justice Law. Still, shortcomings hinder enforcement: restrictions on freedom of movement by Israel; the lack of knowledge of some Palestinian judges and prosecutors; the law's non-applicability within religious courts or quasi-judicial institutions like the *shulha*; and internal conflicts within the PA. (For example, the Ministry of Social Affairs (MoSA) in

the Gaza Strip and that in the West Bank are not cooperating with each other.) Additionally, the Palestinian Child Law requires supplementary regulations and policies in order to become effective.

Another shortcoming is that only two protection officers are allocated per governorate, which is simply inadequate for this vitally important institution in the system of child protection. Also, protection officers, school counsellors, and family unit police officers do not receive any form of counselling themselves. This could easily result in overwork and emotional stress. Moreover, the small number of existing child protection centres is a major obstacle in implementing the Palestinian Child Law because only



A boy and girl in a refugee camp in the occupied West Bank. *Courtesy of Save the Children Sweden*

a very limited amount of children can effectively receive protection and support.

Therefore, two main factors can be identified as the key obstacles to realizing the right to protection within the PA context. First, the legislative framework that regulates child protection at the domestic level is outdated, lacks crucial details, and does not fully incorporate international safeguards. Second, in practice, there is weak enforcement of the laws and policies that already exist.

The referral system of the Child Protection Network (CPN) could form a tie between civil society and the PA and help ensure child protection. However, this network is not operational within the whole oPt and has many shortcomings, such as a lack of necessary centres for children to report violence and the lack of a proper documentation procedure at MoSA. In essence, its logistics still need to be formalized, which becomes especially apparent when recalling that less than half of the institutions working in child protection actually report cases of children's rights violations. As long as the system is not formalized, child protection will depend on the motivation, knowledge, and engagement of each individual social worker, protection officer, school counsellor, etc. This is also the case for the UNRWA Field Offices (FOs) in the West Bank and Gaza Strip, since no general protection system exists. The newly-initiated referral model for family protection—which includes child protection in certain refugee camps—is a step in the right direction, but needs further development. Major shortcomings of the system include the absence of an allocated budget and the training of long-time staff members rather than the hiring of new employees specialized in the field of protection. Furthermore, this system does not cooperate with the police; therefore it does not result in criminal investigations or law enforcement. Nevertheless, the UNRWA referral system remains too new to be assessed for this report.

It is important to note that deficiencies in child protection mechanisms do not only affect abused or neglected children, but also children in conflict with the law. There is no adequate juvenile justice system operational in the oPt, and arrested children are held in adult prisons.

Parents, school counsellors, and police officers do not regard violence in the form of disciplinary measures to be a child rights issue. Parents and children are reluctant to report because of shame, fear, social pressure, or 'cultural' boundaries that preclude seeking support or help outside the family. Some children simply have no knowledge of the mechanisms available for reporting.

Another problem is the lack of clear work manuals and job descriptions; this ambiguity leaves an effective response dependent upon the individual spirit/capacity of the social worker/counsellor/officer dealing with the case. In addition, almost nonexistent monitoring and follow-up procedures are major obstacles to achieving an adequate (refugee) child protection system in the oPt.

Finally, a lack of communication exists among the various stakeholders. This is a problem on the ministerial level between the MoSA and the Ministry of Education and Higher Education (MoEHE), and in the field between child protection officers and school counsellors. This second networking gap became obvious during a workshop organized for both groups. Although the child protection officers knew each other, it was clear that the protection officers and school counsellors had never met before. Furthermore, not a single school counsellor had ever contacted a child protection officer and no child protection officer had ever visited a school. The outcome of this workshop resulted in an emergency meeting on the ministerial level in order to discuss how these two crucially important groups concerning child protection can cooperate efficiently with each other.

# Main Recommendations

## UNRWA at the Headquarter Level

- ▶ Draft a Child Protection Policy following the adoption of the “Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery”. This is necessary due to: 1) the failure of the UNRWA technical instructions to provide an efficient child protection framework; 2) the need to support the existing initiative to create a referral system through the Health Department in the West Bank FO; and 3) the development of ad hoc referral processes by committed UNRWA staff in various FOs. This could require a sensitization of senior policy makers within UNRWA.

## International NGOs and Relevant Partners

- ▶ International community should ensure that universal periodic monitoring of Lebanon or Israel (or the PA, if applicable) includes recommendations specifically concerning Palestinian refugee children, and monitor the implementation of these recommendations in partnership with the respective government.

## UNRWA at the Field Office Level

- ▶ Adopt implementation measures and protocols for the implementation of the ETI 1/2008 and the UNRWA protection standards tool.

## Lebanese Authorities

- ▶ Eliminate the practical obstacles of the application of Law No. 422 in the camps.

## Israeli Authorities

- ▶ The State of Israel should immediately ensure its compliance with all treaties and conventions concerning children's rights that it has signed and ratified by acknowledging their application in the oPt.
- ▶ The State of Israel should not apply military law to Palestinian (refugee) children.

## Palestinian Authority

- ▶ Re-establish coordination between West Bank and Gaza institutions.

## Civil Society Organizations

- ▶ Enhance coordination and cooperation to avoid duplication of activities, such as in the field of prevention and raising awareness about child protection for Palestinian refugee children.

Children comprise nearly half of the entire global refugee and displaced population. At the end of 2005, there were around 8.4 million registered refugees worldwide, of whom 44% were children under the age of 18 (and 12% were under the age of five). The proportion of children to the entire refugee population is among the highest in the Middle East. More than half of the refugee population in this region is under the age of 18.<sup>1</sup>

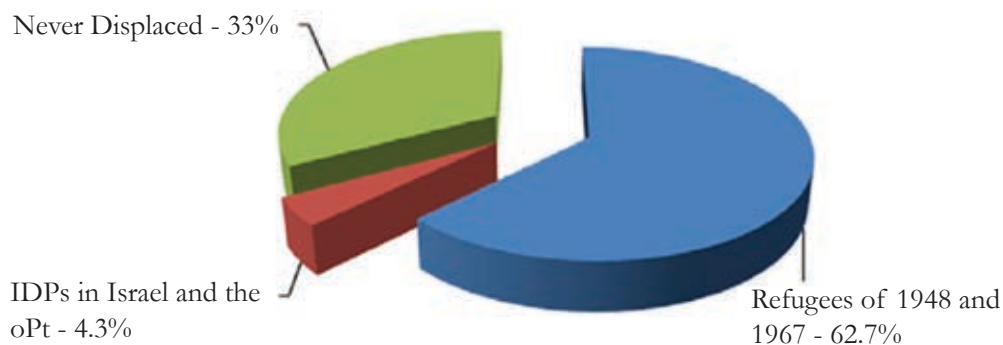
By the end of 2008, at least 7.1 million (67%) of 10.6 million Palestinians worldwide were refugees or forcibly displaced persons, including at least 6.6 million Palestinian refugees and 427,000 IDPs. Palestinians are one of the largest displaced populations in the world, constituting half of all refugees. Palestinian refugees fall into three general categories. The largest group (5.7 million) is composed of refugees from 1948, including 4.7 million UNRWA registered refugees. The second group of refugees (numbering 955,247) are refugees from 1967. The third category is composed of an unknown number of Palestinians who fit neither of the first two categories but who have also been displaced outside the area of

“historic Palestine” (Israel and the oPt) and are likely to be refugees.<sup>2</sup>

Research on the protection of Palestinian refugee children in the Middle East cannot be separated from the broader context of the ongoing problem of Palestinian refugees and the absence of durable solutions for this population of refugees. In this context, securing the implementation of the rights of Palestinian refugee children through efficient protection mechanisms is as important as reaffirming and raising awareness about their rights. It is also understood that working towards better child protection systems and mechanisms contributes to the fulfilment of Palestinian refugee children’s rights. There is, therefore, no contradiction in analysing protection mechanisms even though child rights of Palestinians are still not fully respected.

The aim of this research is to describe and analyse the existing CPS for Palestinian refugee children by identifying strengths and best practices, weaknesses and gaps, as they relate to either the CPS in general, or to the specific situation of Palestinian refugee children. Ultimately, the key

**Percentage Distribution of the Palestinian Population Worldwide  
by Type of Displacement, End 2008<sup>3</sup>**





question of the research is to determine to what extent the CPS are available to this target group. Consequently, the research does not outline the protection risks affecting Palestinian refugee children.<sup>4</sup> Nor does it provide an exhaustive quantitative mapping of all protection mechanisms and services. Two main categories of children will be addressed: children who are victims of violence, abuse, exploitation and neglect, and children in conflict with the law.

One of the key challenges is the lack of comprehensive data with regard to Palestinian refugee children. There is a general lack of baseline and disaggregated data on Palestinian children<sup>5</sup> and, when available, data is characterized by uneven quality and uncertainty, primarily due to the absence of a comprehensive registration system, frequent migration, and the lack of a uniform definition.<sup>6</sup> Other challenges include: differences of status, treatment, and situation of Palestinian refugees throughout the Middle East; variations in what child protection means; and the politicised nature of the problem of Palestinian refugees.

The roles and activities of respective duty-bearers and stakeholders vary from one country to another due to a wide range of factors. Thus, differences between Syria and Jordan, and Lebanon and the oPt are notable.<sup>7</sup> Despite these variations in roles and activities, however, a certain standard of protection should be available for all. Most importantly, the State constitutes the primary duty bearer of child rights.

When comparing the situation of Palestinian refugees in Syria, Jordan, oPt, and Lebanon, one has to take into account the parameter of the refugee camp. Any refugee camp in the world may raise challenges in terms of CPS, notably with regard to the need to link the refugee camp structures and child protection risks with the existing child protection mechanisms of the host country.<sup>8</sup> The chal-

lenges will vary depending on the overall closed nature of camps. Specifically, the closed, unique nature of camps in Lebanon greatly affects the functioning of child protection mechanisms. This is less acute in other countries in the Middle East offering shelter to Palestinian refugees.

This report will briefly describe the objectives, scope, and methodology followed, and then clarify the concepts shaping the research. Based on this framework, the report will then go on to provide an overview of the international legal framework and related bodies and institutions. Finally, the report will describe and analyse the mechanisms in place within each country (with a focus on Lebanon and oPt) for each duty-bearer and stakeholder, including related services.

## 1. Research Framework

### i. Objectives and Scope of the Study

This research focuses on the existing child protection mechanisms for Palestinian refugee children. It is intended to complement numerous existing studies and analyses regarding child rights issues of this target group, as well as the few studies focusing on the child protection mechanisms that respond to these issues. Consequently, this report only looks at the mechanisms and not at the child protection risks *per se*.

It aims to describe and analyse CPS in place and to what extent they are available to Palestinian refugee children, as well as to identify strengths, good practices, gaps, and weaknesses. This research therefore not only targets specific mechanisms and measures/activities for Palestinian refugee children, but also those resulting from general child protection mechanisms. It also includes a review of

available child protection services provided by all relevant stakeholders.

While the study covers four countries (i.e., Jordan, Lebanon, oPt, and Syria), its main focus is on Lebanon and the oPt due to the specific situation of Palestinian refugees in those two countries. In this way, the research offers comparison points and identifies good examples of protection mechanisms within one setting that could be duplicated in other contexts.

Ultimately, this report aims at drafting recommendations for supporting and strengthening commendable existing mechanisms, addressing gaps, and establishing the foundation for designing new tools to ensure functioning CPS for Palestinian refugee children. First, this report will help organisations/institutions working in the field of child protection in ensuring more targeted programming for establishing and strengthening national child protection systems, as well as promoting the development and enforcement of child protection policies and protocols at national and civil society levels. Second, it is hoped that key duty-bearers and stakeholders, from the relevant government authorities and international organisations like UNRWA, all the way down to the community, will use this information to improve child protection mechanisms and thus implement the rights of Palestinian refugee children.

Here, it must be stressed that the term ‘Palestinian refugees’ encompasses a heterogeneous population: displaced persons from the area of ‘historic Palestine’ (oPt and Israel). The expression ‘Palestinian refugee’ in common language describes all those Palestinians who have become (and continue to be) externally displaced (with regard to refugees of 1948, outside the area that became the State of Israel, and with regard to displaced persons of 1967, outside the oPt) in the context of the ongoing Israeli

occupation and annexation of Palestinian land, as well as their descendants.<sup>9</sup>

The international definition of a refugee according to the 1951 Refugee Convention and the statute of the UNHCR is as follows:

Any person who [...] owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.<sup>10</sup>

In contrast to the regime set up under the 1951 Refugee Convention and the UNHCR mandate, a separate regime governs the status of Palestinian refugees. This regime comprises two special UN agencies: the UNCCP and UNRWA. UNRWA defines Palestinian refugees as “Palestine refugees” who are persons whose normal residence was in Palestine between 1 June 1946 and 15 May 1948 and who lost their homes and means of livelihood as a result of the 1948 war. The descendants of the “original” refugees are also eligible for registration. UNRWA has also been encouraged by the UN General Assembly to provide humanitarian assistance on an emergency basis to persons in the area who do not meet UNRWA’s definition of a refugee but who have been displaced as a result of the 1967 war and subsequent hostilities. UNRWA services are available to all registered refugees present in its area of operations.<sup>11</sup> Accordingly, Article 1D of the 1951 Refugee Convention makes an exception of most Palestinians by stating that:

this Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

It is paramount to note that while the focus of this study is on Palestinian refugee children, due to the status and treatment of Palestinian refugees in Lebanon and the specific situation in the oPt, analysis of the protection system for the oPt will consider Palestinian children and not merely Palestinian refugee children. This is justified since the population of Palestinian refugees in Lebanon is easily identified as being mostly confined to refugee camps, compared to the refugees living in the oPt who are an integral part of the general population.

## **ii. Key Concepts of Child Protection and Child Protection Systems in the Palestinian Context**

In accordance with international law, a child is defined as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier” (Article 1 of the CRC). This research relies on the following concepts and frameworks with regard to the CPS. Save the Children defines ‘child protection’ as measures and structures to prevent and respond to violence, abuse, exploitation, and neglect affecting children. The goal of child protection is to promote, protect, and fulfil children’s rights to protection from violence, abuse, exploitation, and neglect as expressed in the CRC and other human rights, humanitarian and refugee treaties and conventions.

According to the UNICEF Child Protection Strategy, CPS is described as “a set of laws, policies, regulations and services, capacities, monitoring, and oversight needed across all social sectors—especially social welfare, educa-

tion, health, security, and justice—to prevent and respond to protection-related risks”.<sup>12</sup> Considering child protection through a systematic approach is rather new.<sup>13</sup> UN agencies and INGOs increasingly refer to this approach in order to establish or strengthen comprehensive child protection programmes.<sup>14</sup> Furthermore, CPS should be based on the four guiding principles of the CRC: nondiscrimination, best interest of the child, survival and development, and child participation.

The current report relies on this definition of CPS, with the understanding that a functioning CPS involves all levels, from the international stage to the national, community and family level. The following framework has been chosen for this research. First, it takes into account all duty-bearers and stakeholders relevant for the protection of Palestinian refugee children in the above-mentioned countries. Secondly, for each of these duty-bearers and stakeholders, it considers all key focus areas of protection (from prevention to alternative care and reintegration) including related services. Finally, it takes into account engagement frameworks, budget, capacity, and research/analysis for each of them.

While the illustrated definitions and concepts of CPS form the framework of this research, it is also important to recognize from the outset some of the challenges surrounding those notions. As illustrated throughout this study, those challenges are not specific to the Palestinian context, but some of them prove more acute when addressing CPS vis-à-vis Palestinian refugee children.

The first main challenge is that, although the above definition of child protection and CPS serve as a basis for this study and are increasingly used by stakeholders, it does not mean that they are agreed upon and understood by all relevant actors. Regarding CP, this study builds on a definition of protection that differs from the one used



by other organisations and institutions.<sup>15</sup> This is particularly the case for institutions that do not have a specific child protection policy or mandate. They tend to rely on a much broader understanding of general human rights-based protection rather than the one contemplated under child protection (i.e., the four protection risks of violence, abuse, exploitation and neglect).<sup>16</sup> A similar issue also exists for child protection *per se*, where many actors assimilate a violation of any children's right with child protection. Finally, some stakeholders have a limited view of what should be considered child protection, defining it only as service delivery (and excluding preventative measures and awareness-raising from their concept of protection). Such misunderstandings may be explained by the fact that these concepts are rather new. These differences must not be overlooked, however, since they complicate the work of mapping child protection mechanisms and related services, as well as the level of cooperation between the various actors in this field.

A second challenge relates to the difficulty in addressing child protection mechanism issues, or even child rights, in a context in which the Palestinian refugee population prioritizes other concerns connected to daily unmet daily needs.<sup>17</sup> While available protection mechanisms are seen as essential parts of children's rights or human rights, it proved to be difficult to engage in detailed discussions on child protection mechanisms with people who are more inclined to talk about urgent concerns like food insecurity or living under constant fear of Israeli military attacks or invasions.

The third challenge was that, although the CPS approach allows for a comprehensive evaluation of the relevant child protection mechanisms, it may also easily lead to the assumption of the existence of an organized protective environment. Therefore it is necessary to carefully assess each component and level of CPS in order to distinguish

and identify the areas where short-term measures are needed as opposed to areas that require intervention and advocacy work.

Finally, a CPS approach must imperatively be viewed in connection with the context in which it is applied. As noted by UNICEF, “in some socio-cultural contexts, formal system structures may not be considered necessary or appropriate because parents, extended family members, and other members of the community protect children through largely informal mechanisms”.<sup>18</sup> This is particularly relevant in the Palestinian context, which is largely governed by traditions and a strong cultural identity. In this regard, next to *formal* mechanisms—including legal litigation for violations of child rights—*informal* mechanisms are also considered within the framework of the CPS. However, it is paramount to note that those informal instruments, including traditional justice mechanisms, should be viewed through the lens of international standards of child rights, as well as general human rights norms.<sup>19</sup>

### iii. Methodology

Studies aimed at mapping child protection risks and child protection mechanisms and services can be conducted either by collecting quantitative data or qualitative data, or a combination of both.<sup>20</sup> The current research gathered qualitative data based on a combination of tools and

“Some stakeholders have a limited view of what should be considered child protection, defining it only as service delivery (and excluding preventative measures and awareness-raising from their concept of protection).”

sources, including assessment by key informants. Consequently, it does not provide an exhaustive study of all child protection mechanisms and services available for Palestinian refugee children, but rather an analysis of the most important ones, as identified by this research.

While this is due to time and resource constraints, and may be seen as a limitation, it is also explained by the CPS environment. As interviews with Handicap International and the Danish Refugee Council (DRC) showed, such mapping would run the risk of integrating unreliable data and becoming outdated very quickly due to the lack of commitment, budget and general issues of sustainability of projects offering child protection interventions and services.<sup>21</sup>

First, this paper consists of a desk review of available primary sources and secondary literature and resources from the UN, INGOs, civil society organisations (CSOs), community-based organisations (CBOs) as well as government institutions and independent experts and practitioners.

Second, the report uses information gathered through workshops. Most importantly, one workshop was organized with INGOs, CSOs, and CBOs in Beirut on 12 January 2010 (in the Child and Youth Centre facility in the Shatila Refugee Camp, Lebanon) and another one with CBOs, CSOs and Palestinian government officials on 10 February 2010 in the oPt (covering the West Bank, including East Jerusalem) in Ramallah. These workshops aimed at exchanging information on protection services and mechanisms available for Palestinian refugee children in those two respective contexts. Even though the workshops proved constructive in discussing key issues and concerns, they also revealed the difficulty of conducting a proper mapping due to a lack of common understanding

among all participants of what the concept ‘child protection’ should encompass.

Third, this report is based on information gathered in interviews with key informants, including staff employees of UNRWA and other UN agencies, INGOs, CSOs, CBOs, government officials, and experts and practitioners. Most importantly, this research relied on information offered by professionals working directly with children and thereby implementing the protection mandate bestowed upon them. For example, interviews were conducted with child protection officers of the Palestinian MoSA, school counsellors and family police unit members operating under the jurisdiction of the PA (in the West Bank, including East Jerusalem). Unfortunately, it was not possible to conduct such interviews in the Gaza Strip due to the fact that the researcher could not gain access. Regarding Lebanon, fewer interviews were conducted than in the oPt because the situation of the Palestinian refugees there is more structured, and half the population is confined to refugee camps.

Fourth, based on a participatory approach, this report is also the result of data gathered through focus group discussions (FGD) organized in Lebanon and the oPt with children and parents on their perceptions of child protection mechanisms. Aware of the importance of confidentiality and of the ‘do no harm principle’, FGDs were conducted by Save the Children Sweden partner organisations—Naba’a, DCI-Palestine and PCDCR—which have extensive experience in conducting them in accordance with the following key principles:

- Prior to holding the session, persons involved in the invitation and selection of children and parents must inform them of the purpose and modalities of the FGD as well as of the confidential way information will be used.

► Careful attention should be given to the sensitivity of the subject matter under discussion and issues of confidentiality and trauma is carefully taken into account, as it is not always possible for children to comprehend the real consequences of their involvement, particularly when they are involved in an activity for the first time. Data collection responsibilities should be limited to a few designated individuals. The discussions should focus on what people have experienced and not the identity of perpetrators. Topics are not pursued when it is evident that participants were uncomfortable discussing them. Researchers should be careful to avoid raising expectations.

Finally, this report also contains extensive information gathered by two previous consultants hired by Save the Children Sweden to work on the topic of mapping child protection mechanisms, including data gathered through FGDs and interviews of key informants carried out in the context of their work.

#### iv. Limitations/Restrictions

As stated above, this research is not an exhaustive quantitative mapping of all protection mechanisms and services. A general shortage of quality data on Palestinian (refugee) children exists, primarily due to the absence of a comprehensive registration system, frequent migration, and the lack of a uniform definition. This is why this research relies on data collected through conducted interviews and FGD. Unfortunately, it was not possible to conduct a sufficient number of interviews in the Gaza Strip. First, it was not possible for the researcher to visit the Gaza Strip due to the blockade on the area and the ‘complicated’ and time-consuming entry application process. Second, despite arrangements for two DCI-Palestine employees in Gaza to carry out interviews and FGD, these ultimately could not

be conducted because the Israeli army increased its attacks and operations in Gaza over the research period. During that time frame, it was even quite difficult to contact these employees.

Another limitation of this research is that it was begun over two years ago by two previous researchers and then put on hold for more than six months. This author’s assignment was to finalize the original paper, while maintaining its structure and information (as long as they remained correct). For this reason, some of the references are considerably dated. The limitations posed by ‘older’ references also results from the limited amount of research done in this area. The aim of the interviews conducted was to close that information gap by gathering information directly from stakeholders and duty-bearers.

Lastly, it has to be mentioned that the researcher did not visit Lebanon, as instructed by Save the Children Sweden, but had to rely on information put together by a consultant in Lebanon. As a result, discrepancies might exist between the section on the oPt and Lebanon in the manner and type of information gathered.

## 2. International Legal Framework and Related Mechanisms and Bodies Pertaining to the Protection of Palestinian Refugee Children

### i. Human Rights Law

#### a. *Legal Framework*

Like every human being, Palestinian refugee children are protected under international human rights law, notably the core human rights treaties, including the International Convention on the Elimination of All Forms of Racial





Palestinian children in the Gaza Strip paint a banner at an event organised by Save the Children Sweden to commemorate Palestinian Child Day. *Courtesy of Save the Children Sweden*

Discrimination (ICERD), the International Covenant on Economic, Social and Cultural Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

As children, they also benefit from the rights and obligations stemming from the CRC<sup>22</sup>, which should constitute the cornerstone of a CPS.<sup>23</sup> This treaty has been ratified by all states in the Middle East. The CRC contains specific provisions of measures to be adopted by State parties to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, as well as for the protection of children in conflict with the law.

Key child protection articles in the CRC are: family separation (Article 9), family reunification across borders (Article 10), illicit



transfer of children (Article 11), right to privacy, honour and reputation (Article 16), protection from violence, injury, abuse, neglect, maltreatment or exploitation (Article 19), alternative care (Article 20), adoption (Article 21), refugee children (Article 22), disabled children (article23), harmful practices (Article 24), periodic review of alternative care (Article 25), economic exploitation (Article 23), sexual abuse and exploitation (Article 34), abduction, sale or trafficking of children (Article 35), other forms of exploitation (Article 36), juvenile justice and protection from torture or other cruel, inhuman or degrading treatment or punishment (Article 37), protection in armed conflict (Article 38), recovery and reintegration (Article 39) and children in conflict with the law (Article 40).<sup>24</sup> Other provisions, such as those related to birth registration and protection of identity (Article 7), adequate standard of living, social protection (Article 27), and education (Articles 28 and 29), while not protection rights *per se* represent important approaches to securing children's protection rights.

As an international treaty, the CRC can be the legal basis under certain conditions for legal action as a means of enforcing the Convention. Child protection mechanisms therefore also include legal remedies using judicial forums to address child rights violations. In this regard, strategic litigation “involves selecting and bringing a case to the courtroom with the goal of creating broader changes in society”.<sup>25</sup> A conference was organized in Geneva on the “Moral Imperatives to Legal Obligations - In Search of Effective Remedies for Child Rights Violations” on 12-13 November 2009, aimed at discussing this enforcement tool.<sup>26</sup> During this conference, the chief executive officer of Save the Children Sweden noted that NGOs should consider litigation as a tool for advancing children's rights. While legal actions may be time-consuming and risk damaging relationships or appearing confrontational, the CEO insists this form of action provides an opportunity.<sup>27</sup>

Important components of the international legal framework for the protection of child rights include nonbinding declarations and resolutions, such as the 2002 UN General Assembly resolution on the Special Session on Children (“World Fit for Children”).<sup>28</sup> The UN study on Violence against Children presented in October 2006 also constitutes a comprehensive framework.<sup>29</sup>

#### *b. Monitoring Bodies and Mechanisms*

The above treaties and instruments, together with other conventions, have established various mechanisms mandated to monitor State parties' compliance with their treaty obligations. These include *inter alia* individual complaints and interstate processes. Of notable importance for the protection of Palestinian refugee children are the Human Rights Committee and the Committee of the Rights of the Child<sup>30</sup>, as well as UN special rapporteurs and representatives.<sup>31</sup> The Universal Periodic Review (UPR) was established as a key component of the new Human Rights Council; this is a process that reviews the human rights records of all 192 UN member states.<sup>32</sup>

#### *c. Other Relevant UN Agencies for the Protection of Children*

There are a number of UN agencies that are relevant to the protection of children, including Palestinian refugee children, and that refer to human rights standards. UNICEF has a specific mandate for child protection. For example, it serves as the focal point agency for child protection within the UN Global Protection Cluster Working Group, coordinating the work of the cluster in this area. In addition, other relevant UN agencies include the Office of the High Commissioner for Human Rights (OHCHR), the UN Development Programme (UNDP)

and the Office of the Coordination of Humanitarian Affairs (OCHA).

## ii. Palestinian Refugees under International Refugee Law and Related UN Agencies

### a. *The 'Protection Gaps'*<sup>33</sup>

As briefly described, the UN established two agencies mandated to specifically provide protection and/or assistance to Palestinian refugees: UNCCP<sup>34</sup> and UNRWA.<sup>35</sup> These agencies were designed to complement each other; the UNCCP was primarily mandated to ensure the protection of Palestinian refugees<sup>36</sup> and UNRWA was assigned with the mandate of assisting them.<sup>37</sup> Both UN organisations already existed when the Refugee Convention was adopted in 1951. Furthermore, due to various factors, it was decided that the UNHCR Statute and the 1951 Convention relating to the Status of Refugees would not be applicable to refugees receiving protection and assistance from any other UN agency,<sup>38</sup> unless and until such protection or assistance ceased without an internationally-accepted solution being found.<sup>39</sup>

Palestinian refugees are the only group of refugees for whom a separate and special analysis is necessary in order to determine their status under the 1951 Refugee Convention. Their status—and the extent of the protections to which they are entitled—is determined as interpreted by the combination of Article 1D of the 1951 Refugee Convention Paragraph 7 of the Statute of UNHCR, and the definition of refugees stipulated by UNRWA. Therefore, unlike all other refugees (whose protection is covered by the UNHCR mandate), the issue of most Palestinian refugees is governed by this separate regime.

The process of the establishment of this special regime for Palestinian refugees started with the creation of the UNCCP in 1948. The main rationale behind its creation was to assist affected governments and authorities in reaching agreement on all open questions in order to protect Palestinian refugees and to help identify durable solutions. Moreover, UNCCP was assigned with protecting the refugees' most urgent needs: repatriation and compensation.<sup>40</sup>

UNRWA, on the other hand, was established a year after the UNCCP with the aim of complementing the UNCCP mandate.<sup>41</sup> Originally, UNRWA had two main duties: to provide relief and create works programmes. "In contrast to UNCCP, UNRWA's mission was limited to merely an assistance function."<sup>42</sup>

Today, UNRWA's mandate, as found on its official website, is providing "assistance, protection and advocacy for some 4.7 million registered Palestine refugees in the Middle East."<sup>43</sup> UNRWA lacks an explicit protection mandate.

In practice, this system resulted in two main 'protection gaps' for Palestinian refugees within the areas of operations of UNRWA. The first concerns the group of Palestinian refugees falling under the mandate of UNRWA and UNCCP, which emerged due to the practical irrelevance of the UNCCP.<sup>44</sup> "Following failures to find durable solutions for Palestinian refugees due to various reasons," writes Susan Akram, "the UNCCP acknowledged it was unable to carry out its mandate"<sup>45</sup> and the General Assembly adopted, starting in 1951, a series of measures terminating effectively its main role."<sup>46</sup> UNCCP no longer operates an office at the United Nations. Consequently, Palestinian refugees benefiting from the UNRWA assistance mandate were not offered protection from any other UN agency.





*A map of UNRWA refugee camps in Jordan, Lebanon, the oPt and Syria.<sup>54</sup>*



Secondly, a protection gap exists for the group of Palestinian refugees who do not fall under UNRWA's mandate within its areas of operations.<sup>47</sup> Because of political considerations and misunderstandings over the UNHCR's mandate towards Palestinian refugees, the UNHCR has not, in practice, systematically carried out its protection mandate towards this second group of refugees. Recent developments suggest an evolution in UNHCR policy towards clarifying its position with regard to Palestinian refugees.<sup>48</sup> Meanwhile, joint UNHCR-UNRWA protection and assistance to Palestinian refugees in Iraq provided a useful model for institutional cooperation. However, the issue of the repartition of responsibilities between those two agencies towards Palestinian refugees remains uncertain.<sup>49</sup>

The adoption of the regional Protocol on the Treatment of Palestinians ("Casablanca Protocol") by the Arab League in 1965 did not contribute to filling these gaps. However, the first protection gap might be narrowed if it is considered that UNRWA has a degree of protection mandate through its role as the main service provider for Palestinian refugees.

#### *b. UNRWA as the Main Service Provider for Palestinian Refugees*

UNRWA works in five fields of operations (Jordan, Syria, Lebanon, West Bank and Gaza Strip) and provides eligible Palestine refugees—including 4.7 million registered refugees—with assistance. From the outset, the agency was designed as an operational organisation, replacing the UN Relief for Palestine Refugees<sup>50</sup> and coordinating the various voluntary organisations providing relief.<sup>51</sup> The agency's main focus is the provision of education, health, relief and social services, including shelter rehabilitation. One-third of registered Palestinian refugees, about 1.3



million, live in 59 recognized refugee camps in the areas of operation.<sup>52</sup>

According to UNRWA, its budget for 2010 and 2011 is US 1.23 billion. In 2009, UNRWA's total budget for its core programmes, emergency activities, and special projects was US 1.2 billion, for which the agency received US 948 million. In that year (2009), more than half of its budget (52%) was spent on education. The agency also allocated 19% of its budget to health services and 10% towards relief and social services.<sup>53</sup>

A camp, according to UNRWA's working definition "is a plot of land placed at the disposal of UNRWA by the host government for accommodating Palestine refugees and for setting up facilities to meet their needs."<sup>54</sup> Consequently, areas not selected as such are not considered camps. However, UNRWA also maintains schools, health centres, and distribution centres in areas outside of the camps where Palestine refugees are concentrated, such as Yarmouk near Damascus. The land on which camps were built are either state land or, in most cases, land leased by the host government from local landowners. This means that refugees in camps do not 'own' the land on which their shelters were built, but have the right to 'use' the land for a residence.<sup>56</sup>

UNRWA's responsibility in the camps is limited to providing services and administering its installations. The agency does not own, administer or safeguard the camps, as this is the responsibility of the host authorities. UNRWA has a camp services office in each camp, which the residents visit to update their records or to raise issues relating to agency services with the Camp Services Officer (CSO). The CSO, in turn, refers refugee concerns and petitions to the UNRWA administration for the area where the camp is located.<sup>57</sup>

While UNRWA has a privileged role in getting direct access to Palestinian refugees, the situation of children within UNRWA facilities is disconcerting. In 2007, the former UNRWA Senior Protection Policy Adviser in the Department of Legal Affairs in the Jerusalem headquarters expressed serious concern:

The Palestinian refugee children who should be at the centre of the Agency's duty of care do not enjoy the protections from violence and abuse guaranteed to them in international law which UNRWA declares publicly it upholds: (a) children are not protected from abusive teachers; (b) abused children do not receive remedial care; (c) many children perceive UNRWA teacher violence as a norm whilst others are terrified and their parents are too intimidated to complain for fear of revenge by the teacher concerned; (c) many children do not use the school teacher-counsellor system to complain or seek assistance because it is compromised by its inclusion in the school organisational structure and teacher-counsellors report they are overworked, under-qualified and cannot even begin to deal with the plethora of problems in the schools; and (d) children do not receive either justice or protection from ongoing exposure to the abusive teacher. Children's experience of and exposure to violence in UNRWA schools are not monitored by the Agency, let alone independently, in order to identify problem teachers and schools or to gauge change in connection with actions that might be taken to eliminate the violence.<sup>58</sup>

#### c. *Target Groups of UNRWA's Assistance Mandate*

UNRWA has developed an operational definition of "Palestine refugees" to identify the persons residing within its five fields of operations falling within its assistance mandate.<sup>59</sup>

Following the 1967 Israeli-Arab conflict, the UN General Assembly urged UNRWA to provide assistance to Palestinians who were displaced as a result of that conflict.<sup>60</sup> Consequently, although UNRWA only registers “1948 Palestine Refugees”, it provides assistance to both categories of persons.

UNRWA has also changed its practices regarding extending refugee status to second and third generations. Until recently, UNRWA registered and provided assistance to descendants of male refugees only.<sup>61</sup> The controversy over this practice led the agency to change this rule in the 2006 Consolidated Eligibility and Registration Instructions.<sup>62</sup> Nevertheless, other cases of non-registration may arise in practice, such as when a child is born to a female refugee who is not married.

#### *d. The Question of UNRWA's Protection Mandate*

Within UNRWA, there have been ongoing discussions regarding the adoption of a coherent and integrated protection approach throughout the agency. As noted earlier, although UNRWA does not have an explicit formal protection mandate, it acknowledges that it has a mandate to provide “protection” as defined by the UN’s Inter-Agency Standing Committee: “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law (human rights law, international humanitarian law, refugee law)”.<sup>63</sup> This role was recognized by the UN General Assembly.<sup>64</sup> It has been assumed that UNRWA has been and still is engaged in protection activities.<sup>65</sup> Ultimately, asking whether UNRWA has a protection mandate is misleading. This is exemplified by a comment from the head of UNRWA’s Gaza FO. According to him, there has been a mischaracterization of UNRWA’s mandate regarding protection, since the organisation has been carrying out protection activities almost since its inception.<sup>66</sup>

Recent UNRWA documents point at a more explicit protection mandate. In this light, the UNRWA Medium Term Strategy 2010-2015 defines “protection” as: “what UNRWA does to safeguard and advance the rights of Palestine refugees”.<sup>67</sup> The newly-adopted UNRWA Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery (UNRWA Tool) stipulates that “UNRWA has a clear mandate for protection” and lists the various components of protection for UNRWA.<sup>68</sup>

This is closely related to what is meant by protection. It has been argued that with the understanding that protection activities aim at securing refugees’ basic rights, “UNRWA’s protection mandate is inherent in the nature of its work”.<sup>69</sup> The UNRWA Tool illustrates a very broad definition of protection and stresses that:

Protection activities can be carried out at different levels and through various means. UNRWA has identified its role in four main components in the protection of the rights of Palestine refugees. The first two components have a dimension mainly external to UNRWA, while the second two have more of an internal dimension.

The first component of protection concerns the right of all Palestinians to a just and durable solution to their plight. This is key to the enjoyment of national protection and the realization of other rights. [...]

The second component of protection covers protection for which the primary responsibility lies with the host government, Occupying Power, or authority or entity exercising *de facto* control. This component is commonly called international protection. Its content for the work of UNRWA is determined by the specific problems faced by Palestine refugees as a

result of neglect or deliberate undermining of their rights. [...]

The third component involves the delivery of UNRWA services in a manner that promotes and respects the rights of beneficiaries and ensures the security and safety of beneficiaries and of UNRWA staff. [...]

The fourth component of protection refers to everything that UNRWA does to ensure that protection needs are analysed and protection principles are incorporated in all stages of the programme management cycle, from needs assessment to planning, implementation and monitoring and evaluation as well as in staff training.<sup>70</sup>

Alongside this, the UNRWA Consolidated Eligibility & Registration Instructions from 2009 (under “Relief and Social Services 2”) states:

Social services are extended through a network of more than 100 refugee administered community-based organisations which create social, cultural, economic and educational opportunities. UNRWA provides training and technical support to the CBOs to strengthen their institutional capacity and enhance refugee participation in the formulation and implementation of social services in their respective communities. Social services are available to the entire community.

It goes on to describe programming:

Children and youth programme: enhances the well-being of children and youth and promotes their participation in constructive activities consistent with

the objectives of the Convention on the Rights of the Child.<sup>71</sup>

All things considered, UNRWA does not have a definition of child protection, nor does it have a specific child protection policy. The only explicit reference to child protection is through the “Key Protection principles” forming the basis of the Common Standard 5 under the UNRWA Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery.<sup>72</sup> Child protection is only considered through the general concept of protection under human rights and international humanitarian law, and not as a subject matter of its own. According to the field protection officer at UNRWA’s Lebanon FO, child protection would fall within both the education and international protection mandate.<sup>73</sup> Key Protection Principle C under Common Standard 5 provides that, “specific policies and processes are in place to guide Agency responses when a child protection or gender based violence incident or concern arises”. In addition, the Guidance Note to the Common Standard 5 specifies that:

These policies should be available to everyone including children, parents, personnel and the community. All guidance is consistent with international standards and good practice in the protection of children and response to gender based violence. The protection focal points in each field will work closely with the gender focal point structure in order to provide a coherent and coordinated response.<sup>74</sup>

Furthermore, the UNRWA Tool notes that, “currently UNRWA has no child protection policy and the gender mainstreaming strategy does not address the issue of gender based violence”. It is also noted that the Programme Coordination and Support Unit has drafted a youth policy that has yet to be adopted. The International Civil Service

**“Considering that child protection is a rather new concept, and that UNRWA has only recently started to incorporate it, it is necessary to find means to bring it within UNRWA’s operations and programmes.”**

.....

necessary to find means to bring it within UNRWA’s operations and programmes. Additionally, there is a need to sensitize senior policy makers within UNRWA. According to the head of the West Bank FO of UNRWA, the concept of protection seen from a health perspective, rather than a legal perspective, can be a powerful entry point.<sup>76</sup>

UNRWA established an Operations Support Officers (OSO) Programme, including a field protection officer. The OSO’s primary focus is to safeguard the integrity and neutrality of UNRWA installations through regular inspections and monitoring the needs of Palestine refugees, while simultaneously complementing mechanisms for either referral or integration in project design and programming. At the field level, this is a key structure for carrying out protection activities. The OSO programme was initiated in the Gaza FO and in the West Bank FO.<sup>77</sup> In 2009, a similar programme inspired by it was set up in the UNRWA Lebanon FO.

Commission Standards on Staff Conduct has a reference to the Education Technical Instructions on discipline in schools concerning the abuse of power and sexual harassment. This reference is one of the very few written documents that can be interpreted as a child protection policy.<sup>75</sup>

Considering that child protection is a rather new concept, and that UNRWA has only recently started to incorporate the idea, it is

It is critical to understand that variations exist between the five FOs in the implementation of internal protection-related instruments and in the specific activities of the OSO programmes. This results from the nature of the relationship between UNRWA Headquarters (HQ) and each FO. As such, the issuance of key protection documents by HQ is not enough to ensure UNRWA’s proper implementation of protection goals.

*e. The Relationship between Headquarters and Field Offices within UNRWA*

As noted earlier, UNRWA has five FOs in Lebanon, Jordan, Syria, the Gaza Strip and the West Bank. While strategic goals are identified and defined at the HQ level, implementation plans are designed and drafted by each FO. Therefore, there is a certain degree of autonomy and flexibility at the field level, “which requires the adoption of additional decisions and initiatives to give effect to the general strategic goals and instructions issued at the HQ level, notably with regard to the UNRWA protection mandate that is not systematically integrated and part of the organisation core traditional activity... and today, all implementation authority has been devolved to the FO”.<sup>78</sup> This flexibility and autonomy is exemplified by the Field Implementation Plan designed by each FO and establishing priorities at the field level.<sup>79</sup>

The need to adopt further implementation measures at the field level is illustrated by the aim of the UNRWA Tool, which serves as a framework to “help UNRWA personnel recognize protection concerns and understand their responsibility to react when they encounter situations where individuals and groups face protection risks”. It further provides “the architecture and guidance on which programmes can build their implementation plans at both the Field and HQ level. While programmes at the Field

level, with the support of the field protection focal point, should work on protocols relevant to address protection issues specific to that particular Field, there is also an important role for HQ programmes in integrating relevant aspects of the protection standards in programme policies and procedures at the Agency level”.<sup>80</sup>

Finally, it is important to note that HQ has made a decision to ensure better coordination and integration of protection within UNRWA’s different programmes, such as the Education Department and Health Department at the HQ and FO levels.<sup>81</sup> The aim is a more integrated approach, instead of each programme being carried out in isolation from the others. For example, at the camp level, school counsellors should work together and in coordination with community mental health workers.<sup>82</sup> This might also be achieved through the exchange of practices between FOs, and shifting roles from FO to HQ.

#### *f. UNRWA Policies and Instructions Relevant to the Protection of Palestinian Refugee Children*

As previously mentioned, the UNRWA Tool only addresses child protection indirectly and refers to other UNRWA instruments. However, it is important to note that it establishes a general requirement of setting up relevant specific mechanisms aimed at ensuring protection:

Programmes should have policies and procedures in place that allow staff to report threats and abuses against beneficiaries or personnel. Programmes must react to this information and provide an appropriate response that, to the greatest extent possible, addresses the specific protection risks identified. This may take the form, either singly or in combination, of targeted material assistance, increased access to service delivery, inclusion in job creation programme activities, financial assistance, medical care, psychological support and/or advocacy. If UNRWA

is not in a position to provide a comprehensive response, then referral pathways should be established so that other specialist agencies with suitably qualified personnel may also respond.<sup>83</sup>

FOs have a responsibility to adopt relevant measures and mechanisms under the UNRWA Tool. UNRWA, as the main service provider for Palestinian refugees, has adopted instructions, guidelines, and policies that provide some form of protection for Palestinian refugee children. On the other hand, some of these policies and instructions do not per se serve a protection goal. Consequently, they are only triggered if concerned UNRWA staff use them for such a purpose. More generally, such instruments do not exist for all UNRWA activities and do not cover all aspects necessary to ensure a full protection.<sup>84</sup> Due to the autonomy of the FOs, there are also disparities in the extent to which these instruments are applied. Children who are victims of violence, abuse, and neglect deserve specific attention with some important variations, depending on the sector concerned.

UNRWA adopted key guidelines and policy documents related to the phenomena of violence and abuse in its school system. Corporal punishment was banned in UNRWA schools in 1993. In 2003, UNRWA Educational Technical Instructions (ETI) forbade corporal punishment, and also established procedures to be followed in the case of physical or verbal violence against children in UNRWA schools.<sup>85</sup> This ETI was repealed and superseded by the issuance of the ETI 1/2008 in July 2008.<sup>86</sup> The guidelines include measures to be taken against staff members in case these instructions are violated.<sup>87</sup> Furthermore, UNRWA has made a clear commitment to uphold the CRC and to eliminate all forms of intimidation and violence against children in its schools. Three main forms of violence are considered under these ETI: violence between students (e.g. fighting or bullying); violence



against students perpetrated by teachers or other education department employees; and violence against teachers, instructors, and educational managers.

The 2008 ETI defines corporal punishment and other cruel and degrading forms of punishment<sup>88</sup> and establishes responsibilities, duties, and sanctions relating to incidents of violence and corporal punishment, including the duty to report any incidents within 48 hours, and to investigate and act on allegations of corporal punishment. Additionally, it outlines the principle of protection against retaliation for both staff and students who report allegations or instances of corporal punishment. The duty to report the cases described above strengthens an existing responsibility for all UNRWA staff members to report misconduct under General Circular 5/2007. In addition, this ETI states which measures are to be taken to ensure the implementation of UNRWA's policy regarding school discipline. UNRWA also issued guidelines for addressing student behaviour to complement the ETI 01/2008, creating a framework for discipline in UNRWA schools.<sup>89</sup>

Additionally, school counsellors and psychosocial support teachers are reportedly being trained to work in UNRWA schools.<sup>90</sup> Issues that impede reporting of child protection issues include cultural acceptance of corporal punishment among educational staff, a general lack of reporting, and bureaucratic obstacles, including limited archiving possibilities.<sup>91</sup> Monitoring has also reflected these obstacles. In Lebanon, for example, collaboration by the UNRWA Education Department with other governmental, non-governmental and international organisations seems inadequate, according to Save the Children Sweden.<sup>92</sup> In addition, UNRWA considers the prevention of corporal punishment a strictly internal affair where even collaboration with other UN agencies like UNICEF is perceived as a breach of UNRWA's autonomy and authority.<sup>93</sup> Finally, regarding prevention mechanisms: although UNRWA

combined its policies against corporal punishment with the introduction of human rights and children's rights in its curriculum, no clear reference is made in the curriculum to the banning of corporal punishment or to UNRWA's ETI.<sup>94</sup> This omission of specific language weakens the preventive activities carried out by UNRWA.

Unlike in the area of education and schooling, UNRWA's policies in the context of its Health and Relief and Social Services programme do not directly lay out official procedures in case of abuse.<sup>95</sup> Detection of abuse is not mentioned at all, and policies only indirectly offer ways to potentially address cases of abuse or neglect.<sup>96</sup> This leaves the implementation of these mechanisms completely dependent upon individual UNRWA staff members and whether they are willing and able to apply them for child protection purposes.

UNRWA has not set up a general referral system outlining clear steps to be taken if a case of violence, abuse, exploitation, or neglect is suspected or discovered. Additionally, UNRWA social workers are not trained in or instructed to report on protection issues. Consequently, referral procedures are set up on an ad hoc basis, depending on the personal commitment of certain UNRWA staff members. Two years ago, the West Bank FO started a referral system that could be used as a model and implemented in all UNRWA FOs.<sup>97</sup> The use of UNRWA services to refer cases from outside the camps faces obstacles, however, as there is a general lack of resources and, also, one must be a registered refugee to benefit from UNRWA services. In addition, UNRWA has no shelters for children in need of immediate protection.<sup>98</sup>

### iii. The Protection of Palestinian Refugee Children Affected by Armed Conflict

Child rights under human rights law and the UN framework includes provisions addressing the specific vulnerability of children in the context of armed conflict.<sup>99</sup> The UN Security Council has, particularly within recent years, dealt with the matter of child protection in armed conflict through a comprehensive framework.<sup>100</sup> “This included the establishment of monitoring and reporting mechanisms on grave child rights violations pursuant to Resolution 1612 (2005) and requesting the UN Secretary General to submit a report on the implementation of [Security Council] resolutions on those issues,” explains one study.<sup>101</sup> International humanitarian law provides additional protection to children in situations of armed conflict. For example, international humanitarian law provides for obligations and mechanisms in order to restore family links and against the recruitment or the use of child soldiers. Under international humanitarian law, in the case of occupation, the primary duty-bearer for child rights is the Occupying Power. In the case of the oPt, the Occupying Power is the State of Israel. Among the mechanisms contributing to ensuring respect for and implementation of international humanitarian law, the International Committee of the Red Cross (ICRC) plays the role of monitoring respect for international humanitarian law, visiting detained children, and conducting activities to restore family links, including family reunification.<sup>102</sup>

In the context of Palestinian children in the oPt, DCI-Palestine has documented 16 cases where Palestinian children were used as human shields by Israeli soldiers since 2004. Since 2000, 1,339 children were killed by the Israeli military and Israeli/Jewish settlers. Another 103 cases of tortured children were documented in 2010. Additionally, 243 children were arrested and held as detainees in Israeli prisons in 2010.<sup>103</sup>





A Palestinian refugee boy plays with building blocks at a psychosocial activity sponsored by Save the Children Sweden in the Gaza Strip. *Courtesy of Save the Children Sweden*

# Protection of Palestinian Refugee Children in Lebanon

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## 1. Introduction

The number of Palestinian refugees in Lebanon is highly disputed.<sup>104</sup> In addition to the 422,188 ‘registered refugees’—that is, those registered with both UNRWA and the Lebanese authorities<sup>105</sup>—there are approximately 35,000 ‘nonregistered’ refugees who, despite being registered with the Lebanese authorities, are not registered with UNRWA. A third group of Palestinians in Lebanon is comprised of ‘non-ID refugees’ who are not registered with any authority, often have no form of identification, and formally receive no services from either UNRWA or the Lebanese authorities.<sup>106</sup> According to the DRC, there are approximately 2,200 non-ID refugees in Lebanon currently.<sup>107</sup> Due to the absence of a comprehensive registration system and frequent migration, the exact population of Palestinian refugees in Lebanon cannot be confirmed. Independent research sources suggest a total of 200,000 Palestinian residents living in the country.<sup>108</sup> Bearing in mind these disputed figures, the percentage of registered children (those under 18 years) with UNRWA is 29% to 34% or a total of around 130,000.<sup>109</sup> There are 12 official refugee camps in Lebanon, and the estimates for gatherings range from 42<sup>110</sup> to 56,<sup>111</sup> depending on the definition used.<sup>112</sup>

Given the unique situation of Palestinian refugees in Lebanon, partly stemming from the closed nature of the camps, one of the key challenges lies in the extent to

which the CPS in Lebanon are available to Palestinian refugee children. In addition, there is a lack of disaggregated data for Palestinian refugee children in Lebanon, making it difficult to collect methodologically sound data on a range of key child protection indicators. As a result, there is no periodic follow-up in order to monitor social change and the outcome of initiatives undertaken by UN agencies or INGOs.

Palestinian refugees in Lebanon have no civil rights and few social rights. The Lebanese government has tough restrictions on employment; refugees are forbidden to take up many skilled and semi-skilled professions, which leaves them only unskilled low-paid job opportunities, even if they have an academic degree or high qualifications.<sup>113</sup> Even though a ministerial decree in 2005 allowed Palestinians to work in more professions, it is still very difficult and expensive for Palestinians to obtain work permits.<sup>114</sup> Such measures have contributed to poverty within the Palestinian refugee community and 35% of the population lived below the poverty line in 2003.<sup>115</sup>

Palestinian refugees in Lebanon are not allowed to own houses or other property<sup>116</sup> which, in combination with their difficult economic situation, limits their opportunities to move out from the camps. In August 2010, the Lebanese Parliament acknowledged the right of labour for Palestinians, but many Palestinians and Lebanese observers report that the new law has not yet been put into practice. For example, social security guarantees (whereby the law stipulates the creation of a special fund for social security for Palestinian workers) have not been created yet. Nevertheless, the general director of the National Social Security Fund issued on 23 May 2011 an informational memorandum No. 437 that implements Law No. 128 dated from 24 August 2010. The memorandum stipulates that Palestinian refugees working in Lebanon shall be subject to the provisions and benefits of the Lebanese Social



Security Law with regard to the End-of-Service branch (8.5%), retroactively as of 2 September 2010 (the date of publication of Law No. 128 in the official gazette of the Lebanese Republic).

However, it seems that few Palestinians know about this new legislation, thus delaying their integration within the Lebanese labour market. Also, Lebanese employers are not likely to easily change their perceptions about offering jobs to Palestinians, mainly because of the history of exclusion and discrimination. In short, one could say that the new law has not changed much in the overall landscape of the right of labour for Palestinian refugees. More efforts need to be deployed by both Palestinians and Lebanese to elucidate this issue and better inform both populations about it. In addition, Lebanese authorities should take proactive measures to enforce the law and activate its various clauses. Finally, it is worth noting that Palestinians still have no access to liberal professions, as they cannot join syndicates and professional orders. Thus, significant boundaries still exist in their right to work, despite some breakthroughs since the 1980s.

## **2. Governance Structures and Mechanisms in Palestinian Refugee Camps in Lebanon**

The specific situation of camps in Lebanon is the result of a complex history.<sup>117</sup> The 1969 Cairo Agreement granted significant autonomy to Palestinian refugees in managing the camps and allowed for the factions to be armed. Even since the formal abrogation of the Cairo Agreement by the Lebanese Parliament in 1987, Lebanese military and police forces still do not have access to most of the camps (with the notable exception of Nahr el-Bared Refugee Camp).<sup>118</sup> As such, application of the law is complicated in practice because there is no formal protection struc-

ture for children in the camps. Access is also hampered for NGO employees due to the closed nature of camps. Generalizations are difficult, however, because governance structures, protection risks, and access and child protection mechanisms vary from one camp to another. Following the 2007 Nahr el-Bared crisis, for example, the camp's governance system is being reviewed, with a new model designed by the Lebanese authorities incorporating the presence of Lebanese police. This means that the Lebanese authorities, (i.e., police and army) have access to the camp, unlike all other camps. Instead, the 'Armed Struggle' plays this role (and will be explained later on). Regarding child protection mechanisms, there is no official legislation, neither in Lebanon nor within Palestinian camps, that particularly addresses this issue except for Law 422, which was adopted by the Lebanese Parliament in 2002. This law is supposed to cover all children residing on Lebanese territory—theoretically including Palestinian refugee children—however, the inability of Lebanese authorities to operate in the camps contributes greatly to further isolating Palestinian children. Furthermore, the law focuses on children in conflict with the law, and barely provides a framework for social protection.

In 2007, during the Nahr el-Bared crisis, a CPN was set up with the support of Save the Children Sweden. As a result, this refugee camp and the neighbouring camp, Beddawi, are quite different compared to the others regarding their governance structure and the available child protection mechanisms. The network is made up of seven organisations: CBRA, Ghassan Kanafani Cultural Foundation, Developmental Action without Borders, Naba'a, Palestinian Children and Youth Institution, Children and Youth Centre (CYC), Al-Khalsa and Right to Play—all together with Save the Children Sweden and UNRWA. This network reportedly has a functional referral system, but it is unable to provide numbers of referred cases. In a FGD held with social workers from CPN member organisa-



tions, each social worker explained his/her organisation's work processes, but could not convey a clear message as to what the CPN is supposed to achieve.

An interview with the head of Beit Atfal As-Soumoud (a leading organisation that works in all Palestinian refugee camps throughout Lebanon and that is not part of the CPN) showed that many other services and informal referral systems exist beyond the scope of the CPN.

Similar processes exist in other camps in Lebanon, yet they do not enjoy the formal status of an established network. For example, Terre des hommes in the Tyre area worked on an extensive approach whereby more than 900 cases were dealt with over two years. Many cases were referred to the Union for Protecting Childhood in Lebanon (UPEL) (cases of children in conflict with the law), to UNRWA (school drop-outs), and to other private vocational schools and institutes. This programme was based on a study conducted by Terre des hommes that identified the main risks that jeopardize children in the Tyre area (including camps Burj al-Shamali and El-Buss and other Palestinian informal settlements). Risks were identified as follows: high school drop-out rates; child labour; child sexual abuse; drug abuse (specifically drug pills and glue and thinner sniffing); and violence against children and youth in family and community contexts. Finally, Naba'a reported attempts to form a child rights network in Saida and Tyre, in conjunction with the federation of municipalities in these areas. Terre des hommes confirmed that talks took place on the formation of these networks, yet no formal structure has been put in place yet.

The authority structure inside the camps is commonly divided into three categories: political factions (parties), Popular Committees (government), and armed forces (police) from each fraction of the camp.<sup>119</sup> This structure varies significantly from one camp to the other, however. For

instance, the Popular Committee in Tyre camps and settlements is the police section of the Palestine Liberation Organisation (PLO), and the community-based committee represents factions opposed to the PLO, whereas Popular Committees in Burj al-Barajneh and Beddawi camps are a mixture of both the PLO and its opponents. Very little literature currently exists on the complex organisation and functioning of camps and gatherings, especially regarding their impact on child protection.

## i. Political Parties and Factions

Political parties and factions within the camps and gatherings constitute a key component of their authority apparatus.<sup>120</sup> The most prominent feature of the Palestinian political scene remains the Fatah-Hamas division, with factions aligned with either the PLO (and Fatah) or The Alliance ('*Tabaluf*') of Palestinian Forces (including Hamas). There is also a third division, consisting of *jibadi*-leaning Islamist forces,<sup>121</sup> although these are minimal and are marginalized in the camps. The conflict between Hamas and Fatah, in full view since Palestinians in the oPt elected a majority of Hamas parliamentarians in 2006 elections, has had a detrimental impact on efforts to set up coordination mechanisms.<sup>122</sup>

As outlined by Terre des hommes, the political parties play an important role in overseeing the welfare of party members and many services and actors within the camps, including NGOs. For example, clinics, kindergartens and scout groups are often aligned with either PLO or *Tabaluf* parties.<sup>123</sup> Moreover, leaders of the political parties will often intervene and mediate in disputes or other problems on behalf of members. They serve as a critical reference for parents facing social issues and concerns.

## ii. The Popular Committees

The Popular Committees<sup>124</sup> are the main official body of governance in the camps and gatherings. At their inception they were intended to represent all residents, but over time their unity has been affected by political disputes.<sup>125</sup> These mainly occurred because of tension within the PLO combined with the rise of Hamas. Each camp or gathering has at least one Popular Committee. Several camps have two or three that compete for power and legitimacy within the camp.<sup>126</sup> They are the only leadership bodies recognized by the Lebanese authorities and by UNRWA. They serve as a liaison with the camp population, playing the role of a municipality, as well as solving small-scale conflicts by acting as camp mediator. Issues hampering their functioning include a shortage of resources and skills, as well as political rivalries and divisions resulting in the lack of a unified and coordinated system.

## iii. Security Committees

*Al-Kifah al-Musalab* (commonly translated as ‘The Armed Struggle’) was formed as part of the Cairo Agreement.<sup>127</sup> Aligned with the PLO, its committees were responsible for maintaining security, law, and order within the camps by serving as the main policing body. More generally, they are referred to as “security committees”. While in practice, the composition, roles, and activities of the security committees vary from one camp to another, they may be described as follows:

- ▶ Carrying out daily police routines, arresting delinquents, mediating between parties, and liaising with the Lebanese authorities, police, Internal Security Forces (ISF) or Lebanese army;

- ▶ Acting as investigators by obtaining confessions, making sanctions, putting people in custody with Lebanese authorities and releasing them; and

- ▶ Working with the Popular Committees to resolve internal disputes and acting as a primary ‘policing’ body for investigation and intervention on child protection focused events, such as family conflicts, youth conflicts, and children who breach camp rules.

## iv. The Case of Nahr el-Bared

As previously mentioned, after the crisis in 2007, the Lebanese Government designed a new model of governance in Nahr el-Bared as part of the process of reconstructing the camp. Lebanese authorities presented a plan outlining the various components of the reconstruction strategy in June 2008 at the International Donor Conference for the Recovery and Reconstruction of the Nahr el-Bared Palestinian Refugee Camp and Conflict-Affected Areas of North Lebanon. A key element of this strategy is the establishment of a transparent and effective governance structure for the camp, including enforcing security and the rule of law inside the camp through community and proximity policing.

The Government will promote conflict prevention and maintain a balance between state and human security. Community policing is relevant to the Palestinian refugee context given the specificities of the Palestinian community and the turbulent relationship that once existed with the Lebanese authorities. Community policing in the Nahr el-Bared context entails the presence inside the camp of a culturally- and politically-sensitive ISF that will work to reduce the fears and tensions that existed prior to and after the Nahr el-Bared conflict. Such policing will promote community engagement, partnership and proac-

tive problem-solving. The above security arrangements for Nahr el-Bared camp were agreed upon with the PLO.

Increased trust between the ISF and the Nahr el-Bared community would encourage camp residents to be more supportive and forthcoming in reporting community problems and security issues. Police officers would engage in various types of community activities (youth schemes, community programmes, etc.) to foster a closer relationship with the residents of the camp. A closer partnership between the ISF and the community would ultimately help make the rebuilt Nahr el-Bared Refugee Camp a safer place and promote a successful security model for other Palestinian refugee camps in Lebanon.<sup>128</sup>

Although this model of community and proximity police is an interesting initiative in the context of ensuring efficient child protection mechanisms, some issues remain. The community police forces are currently being trained, but it is unclear to what extent this training incorporates adequate conflict resolution elements that are culturally and socially specific to Palestinians. In addition, Popular Committees have not been included in the security plan so far<sup>129</sup>, yet Terre des hommes confirmed that the training component of their Palestinian refugee programme has targeted representatives of popular and community-based committees, as well as members of the Armed Struggle. According to a staff member responsible for child protection at Terre des hommes, the training tackled issues of children protection, referral mechanisms and ways to deal with children in conflict with the law. He also confirmed that Terre des hommes consistently encourages the Armed Struggle and Popular Committees to refer cases to the Lebanese authorities in order to ensure children's right to legal protection.<sup>130</sup>

UPEL and AFEL trained around 25 officers from the ISF, including highly-ranked officers, detectives and police

officers, in child protection issues. Special bureaus were also represented, especially those dealing with drug abuse and vice squads dealing with prostitution and moral issues. The region targeted was Northern Metn in Mount Lebanon. The training addressed Lebanese law, the CRC, and proper interviewing techniques when interacting with children. Additionally, a round table discussion was convened during the training to allow for open dialogue between ISF officers and NGOs working in the field of children protection. This proved very beneficial for both parties.

### **3. International Legal Framework and Related Mechanisms and Bodies Pertaining to Protection of Palestinian Refugee Children**

Lebanon is party to the core human rights instruments, including the CRC which was ratified without reservation. Lebanon signed the 'Casablanca Protocol' on Palestinian refugees with a reservation on each article of the protocol.<sup>131</sup> The implementation of these two treaties for Palestinian refugees is, however, quite unsatisfactory.<sup>132</sup>

Regarding the Casablanca Protocol, while Lebanon recognized that it remains the main party responsible for the refugees' civil rights, it emphasized that "the responsibility for their basic rights including health, education, and relief is UNRWA's".<sup>133</sup> The provision of services by UNRWA, however, has no implication for the Lebanese authorities' obligations as a primary duty-bearer towards Palestinian refugee children under the CRC. Similarly, the fact that the Lebanese military and police forces do not have access to most of the camps does not alter their responsibility under the international human rights treaties.

While there is no doubt under international law that the State of Lebanon is the primary duty-bearer of children's

**“While there is no doubt under international law that the State of Lebanon is the primary duty-bearer of children’s rights towards all children present in its territory as a party to the CRC, information shared in interviews demonstrates the difficulty of fully implementing this in practice.”**

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complicated. In addition, looking only at the Lebanese state might not be the right approach, especially considering that UNRWA has no protection mandate and that there are actually a multitude of duty-bearers at several levels.<sup>134</sup> The Secretary General of the Lebanese Higher Council for Childhood (HCC) stated that Law No. 422 obliges the reporting of cases and that this obligation also applies in the camps. In practice this is not done, thus Palestinian children are not fully benefiting from the legal protection provided by this law.

Both UPEL representatives and the secretary general of the HCC confirmed that this law is not applied in the camps. While UPEL reported a lack of cooperation from the Palestinian community, the HCC said that the specific security dimension pertaining to the internal situation and management of Palestinian camps prevents the Lebanese authorities from fully undertaking the role of protec-

rights towards all children present in its territory as a party to the CRC, information shared in interviews demonstrates the difficulty of fully implementing this in practice. The chief of Child Protection and Palestinian Programmes at the UNICEF Lebanon Country Office emphasized that one of the major challenges regarding CPS towards Palestinian refugee children in Lebanon is identifying who is the duty-bearer for child protection. She noted that, while in theory it is the State of Lebanon, in practice matters are more

tion.<sup>135</sup> UPEL reported that very few cases are referred to them by Palestinian organisations and/or individuals, and stated that their primary mandate is to provide socio-judicial protection to children in conflict with the law and to children at risk of serious abuse.

### **i. UNRWA Lebanon Field Office**

The UNRWA Lebanon FO recently established a unit composed of three Operations Support Officers (OSOs) reporting to a Field Protection Officer whose main tasks are: to monitor and report problems that affect the human dignity, physical safety, welfare, and protection of Palestinian refugees and other persons of concern to UNRWA; to undertake regular and unannounced formal inspections of UNRWA installations and property throughout Lebanon in order to ensure the neutrality of UNRWA installations, and report on any violations of this neutrality; to undertake regular field trips to support field-based protection activities; to contribute to the coordination of humanitarian protection at the field level ensuring proper implementation; and to gather information and data and to prepare analytical reports on the humanitarian services and protection activities provided by other organisations and local authorities.<sup>136</sup> As in other FOs, the OSO programme aims at safeguarding the neutrality and integrity of UNRWA installations and programmes. The OSO project proposal also emphasized that to achieve this, the establishment of effective protection mechanisms is essential, including, among others, the objective of setting up reliable systems in which accurate information on protection issues and risk factors can be gathered as well as the objective of ensuring effective systems of referral and integration of protection issues in project design and programming.<sup>137</sup> The expected outcomes of this OSO project include the integration of protection into planning and programmes of UNRWA on human rights concepts



and protection standards, as well as the establishment of an internal protection task force and UN Country Team Protection Working Group to identify main protection concerns, exchange information, and coordinate effective protection responses.<sup>138</sup>

In 2009, the appointed Field Protection Officer indicated that in Lebanon the most pressing issue is protection—unlike in the West Bank FO where the issues of access to services, neutrality of installations and protection are equally important.<sup>139</sup> He added that the OSO Programme in Lebanon focuses on international protection and the reintegration of protection in UNRWA service delivery. He further noted that he intends to begin with education, which became a protection issue due to various weaknesses in the system. According to him, child protection would fall within both the education and the international protection mandate.<sup>140</sup> The UNRWA Field Protection Officer also noted that there is no comprehensive UNRWA child protection document or policy, only general codes of conduct for UN staff, mainly stating the obligation to report abuses and to respect human rights and children's rights—but these codes of conduct are internal documents and are not meant for public dissemination. The interviewee pointed out that there is an issue with security in UNRWA schools due to various dangers, making school an unsafe environment. He suggested that, before discussing the topic of violence within schools, basic security issues must be addressed first. Regarding the protection mandate of UNRWA, he insisted that, although protection was identified as a priority by UNRWA HQ, this was not adequate.<sup>141</sup> In this regard, he also indicated that not enough implementation measures were taken at the FO level in order to apply the technical instructions and other UNRWA key general protection documents. In addition, he emphasized that UNRWA employees, such as teachers or counsellors, were overloaded with work

and that there was no consistency in quality of services provided from camp to camp.

In terms of referral mechanisms, the Field Protection Officer for the Lebanon FO noted that the creation of a referral system was under consideration.<sup>142</sup> It appears that, so far, not only is there the absence of a referral system for child protection, but initiatives in other areas are fragmented and not fully implemented. The UNRWA OSO for southern Lebanon indicated that some cases related to child protection are referred to adequate institutions, but only on an ad hoc basis.<sup>143</sup> She also identified the lack of coordination between UNRWA departments as a major shortcoming.

She explained an UNRWA project on gender-based violence to establish gender-based violence focal points through a twofold initiative. The first level of intervention is to ensure training on general principles of detection. The second level is to set up a proper referral mechanism for gender-based violence cases, taking into account the issue of confidentiality. The implementation of this project is incomplete, however; a training session on gender-based violence took place in the north but no further steps were taken to set up a referral system.

Regarding the specific question of violence within UNRWA schools, the UNRWA Field Protection Officer for Lebanon explained that UNRWA has a zero tolerance policy for corporal punishment.<sup>144</sup> In the context of reporting mechanisms under the ETI 1/2008, the UNRWA OSO for southern Lebanon referred to a committee composed of medical, educational, and psycho-social staff mandated to examine cases.<sup>145</sup> Nonetheless, she emphasized the need for better coordination, as each FO sets up his/her own mechanisms. To the best of her knowledge, no education staff member has lost his/her job as a disciplinary sanction over the past two years. She



insisted on the need to train staff in better understanding the mechanisms of the ETI 1/2008. She also noted that school counsellors were not required to have a degree in social work or counselling. This increases the ad hoc nature of referral initiatives and aggravates the problem that the counsellors do not systematically conduct home visits. She emphasized the importance of choosing and relying on key staff members such as teachers and school counsellors for the system to operate satisfactory.

Further, the UNRWA Area Service Officer for Saida noted that cases of sexual abuse are usually not reported due to the hesitance of family members or the abused child to talk about what occurred.<sup>146</sup>

## **ii. Other International Organisations and Related Mechanisms**

The United Nations Development Assistance Framework (UNDAF) Lebanon 2010-2014 is the result of a collaborative effort of the UN Country Team to outline the development framework of the resident UN agencies in Lebanon.<sup>147</sup> UNDAF projected results for 2010-2014 state that the Lebanese-Palestinian Dialogue Committee will have the managerial and technical skills to develop and implement a comprehensive policy on Palestinian refugee issues. Also projected is that monitoring mechanisms will be in place for legal protection of the rights of Palestinian refugees and for the promotion of harmonious relations between Palestinian refugees and their surrounding communities.<sup>148</sup>

Lebanon was reviewed through the UPR mechanism of the UN Human Rights Council.<sup>149</sup> In addition to the National Report prepared by Lebanon, a report by the OHCHR (compiling the relevant UN information) was issued. The compilation of UN information shows seri-

ous shortcomings by Lebanon to its international commitments, including the failure to submit expected reports (e.g., ICESCR report has been overdue since 1995; CAT and HR committee reports have been overdue since 2001).

UN information also states that the main concern under the Palestinian refugee issue remains the right of return and the rejection of settlement. In that sense, the issue remains political and security-related. In Article 116, the national UPR reads: “The current Government of National Unity emphasized this policy [ensuring a decent life for Palestinian refugees and in supporting their steadfast insistence on their right of return to their homes] in paragraph 11 of its ministerial statement.”

Furthermore, the National Report mentions that parliamentary commissions are currently discussing the issue of Palestinians’ right to labour. Apparently, the UPR national report was submitted prior to the adoption in August 2010 of amendments to the labour law and the social security law granting Palestinian refugees the right to work.<sup>150</sup>

In 2008, UNICEF worked to bridge its emergency response programme and regular programme in order to institutionalize mechanisms for prevention and promotion of children’s psychosocial well-being and protection. At the central level, this has translated into supporting the MoSA’s infrastructure of Social Development Centres (SDC) by training their staff to respond to psychosocial distress and to appropriately intervene with families and children.<sup>151</sup> In this regard, the newly-appointed Chief of Child Protection and Palestinian Programmes at the UNICEF Lebanon Country Office stressed that the SDC should be strengthened with professional staff and through building and expanding their capacity.<sup>152</sup> She also stated that SDC could be a good option for establishing

regional shelters for child victims of severe rights violations. Regarding coordination structures, she indicated that UNICEF intends to revive the Child Protection in Emergency Working Group at the national level. That working group will be linked to the Protection Working Group for the north of the country chaired by OHCHR (which was created following the crisis in Nahr el-Bared camp). Regarding Palestinian refugee camps, the Chief of Child Protection noted that the UNICEF priority was to strengthen child protection mechanisms in cooperation with UNRWA.

Lebanon signed a Memorandum of Understanding (MoU) with the International Labour Organisation (ILO) International Programme on the Elimination of Child Labour (ILO-IPEC) and launched its IPEC programme in June 2000. It initiated programmes addressing the issue of child labour in Lebanon, including projects aimed at preventing children in Palestinian refugee camps from dropping out of school and entering the labour force early. The ILO Regional Office for the Arab States in Beirut is conducting a project, “Strengthening National Action to Combat the Worst Forms of Child Labour in Lebanon” (2008-2010). The project aims to continue supporting the government in the areas of legislation and the enforcement of international labour standards, strengthening national capacities, raising awareness, and developing model mechanisms for direct intervention to end child labour.<sup>153</sup> This project covers Palestinian camps in northern Lebanon and emphasizes the need to conduct a study on non-Lebanese working children (especially Syrians and Palestinians) and prioritising regions where child labour is particularly concentrated. A recent study by UNICEF confirmed the magnitude of the phenomenon of child labour in Palestinian camps.<sup>154</sup>

## 4. The Lebanese State as the Primary Duty-Bearer

Two main challenges must be underlined. First, there is the question regarding the extent to which child protection institutions in Lebanon actually benefit Palestinian refugee children. Second, government institutions have inadequate mechanisms for collecting, analysing, and disaggregating statistical data on children and adolescents, especially Palestinian refugee children.

### i. Domestic Legal Framework

Lebanon adopted a series of laws that refer to children. The main legislation on children is the Law No. 422, adopted in June 2002, which includes the “Protection of juveniles in conflict with the law or at risk”. Other relevant laws include the personal status law, the Penal Code, and the Labour Law. According to Law No. 422, protection measures can be triggered by civil society or by the child.<sup>155</sup> The law offers the basis for children experiencing interpersonal violence to be provided with treatment and socio-educational care. It also requires the presence of a social worker during all stages of any trial, and provides for rehabilitative measures for children in conflict with the law.<sup>156</sup>

Although doctors are under a legal obligation to report possible abuse cases, this provision is not included in Law No. 422. Teachers and other caregivers are also not required to report cases.<sup>157</sup> While the law has given the juvenile department in the Ministry of Justice (MoJ) a crucial responsibility concerning all juvenile protection issues, it does not do so on the prevention level.<sup>158</sup> Some additional weaknesses relate to the components and functioning of the CPS as a whole.<sup>159</sup> As outlined in a UNICEF memo in May 2009, different approaches are being considered

**“The Lebanese Constitution and domestic laws guarantee equal status to Lebanese children, but leave refugee children without such protection, resulting in *de facto* discrimination.”**

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and recommendations.<sup>161</sup> Some of these laws are amendments to existing laws, such as the Penal Code, wherein the introduced amendment considers heavy corporal punishment illegal and criminalises encouragement to suicide for children under 18, punishable by the death penalty. Finally, abandonment of children under 18 by parents living within acceptable economic conditions is sanctioned with imprisonment and fine. The law on associations has also been amended to permit the participation of children aged 15 to 18 in youth child protection organisations without granting them the right to vote. Additionally, the law on the rights of people with disabilities was amended to include a special section on the rights and privileges of children with disabilities. Two new laws were also submitted for review, one addressing free and compulsory education, and the other addressing the exploitation of minors in pornographic materials.

The critical question remains as to whether these laws cover Palestinian refugee children. In principle, laws apply to Lebanese citizens and non-Lebanese groups, including Palestinian refugees.<sup>162</sup> In practice, the application of these laws and the availability of related legal protective measures to Palestinian refugees are limited. Most of those

to address the weaknesses of Law No. 422—either amend a part of the law, or draft a new child protection law. UNICEF asserts that, given the gaps of the current law, a new Child Protection Law should be envisaged in addition to amending Law No. 422.<sup>160</sup> At the time of this writing, five draft laws have been submitted to Save the Children Sweden for review

practical limitations relate to the question of the proper application of the laws and functioning of State protection structures in the camps.<sup>163</sup> The Lebanese courts have effective jurisdiction over Palestinian refugees only if they live outside the camps because the Lebanese police are not operating in most of the camps and cannot, for instance, arrest a suspect. This situation affects the internal security of the camps themselves, as it is not unusual for Lebanese or non-Lebanese outlaws to hide in Palestinian refugee camps. In addition, Palestinian refugees may be reluctant to have State involvement in the camps. Some limitations also relate to the precarious legal status of these children as Palestinian refugees.<sup>164</sup> Finally, there are also issues related to awareness and dissemination of the relevant laws.<sup>165</sup> As noted by the Secretary General of the HCC, many NGOs do not refer to Law No. 422.<sup>166</sup> The UPEL Branch Manager for the Mount Lebanon Office indicated that there was also a need to conduct trainings for UNRWA staff on how to refer cases under this law, and on its psychosocial aspects.<sup>167</sup>

This situation is further aggravated by the fact that the Constitution and domestic laws guarantee equal status to Lebanese children, but leave refugee children without such protection, resulting in *de facto* discrimination.<sup>168</sup>

## ii. Governmental Structures and Institutions

### a. *The Ministry of Social Affairs (The Higher Council for Childhood)*

Besides the department of juvenile protection, the main permanent government body responsible for child rights is the HCC.<sup>169</sup> It is entrusted with following up on the implementation of the CRC, in collaboration with international organisations.<sup>170</sup> It is also endowed with a coordination role.<sup>171</sup> According to the Government, it follows

up on incoming cases of infringement on child rights and refers them to specialized organisations in coordination with NGOs and civil society institutions. It is sponsored by and reports to MoSA. It has a consultative role and is not an executive body.<sup>172</sup>

The Secretary General of the HCC indicated that, to this date, referral and follow-up by the HCC is only done on an *ad hoc* basis and was not part of its mandate *per se*.<sup>173</sup>

Among the 13 committees within the HCC, the Refugee Children Committee specifically addresses issues regarding Palestinian refugee children. The Refugee Children Committee reportedly planned to work on better implementation of the “Casablanca Protocol” and on issues of protection from violence and all kinds of exploitation.<sup>174</sup> A two-day workshop organized by the Refugee Children Committee on refugee children’s rights took place on 16-17 March 2010, with one day dedicated to the rights of Palestinian refugee children.

Despite the broad range of roles undertaken by the HCC, the Committee on the Rights of the Child was concerned that the coordination of existing policies and programmes tends to be sectorised and fragmented and that coordination of implementation at regional and local levels is insufficient.<sup>175</sup>

#### *b. Social Development Centres*

The SDC are set up within MoSA. The services provided by these centres range from educational activities for parents to surveillance of cases of sexual abuse. Cases of children requiring social services are referred to NGOs by other NGOs, individuals, and community members, as well as through direct identification of cases from their various activities. It also happens at times that MoSA and the HCC refer cases to NGOs so they can provide

social protection services as needed. As per the legislation, investigators and juvenile judges have the obligation to request the presence of UPEL social workers throughout various stages of the investigation and trial, regardless of the nationality of the child involved.

At the same time, MoSA ‘outsources’ activities and services to NGOs.<sup>176</sup> This is illustrated by the system in place to address child sexual abuse. While SDCs conduct surveillance of cases, these are then referred to NGOs. MoSA also subsidizes NGO shelters for child victims of sexual abuse or any other prominent risk that hinders the lives of these children. Organisations contracted by MoSA include AFEL and Bon Pasteur. The contract includes covering the cost of residential services.

There is, however, weak coordination and communication between the NGOs and the MoSA, in the absence of relevant mechanisms.<sup>177</sup> In addition, procedures and interventions by the SDC vary greatly from one to another because of lack of resources, both financial and in terms of staff. It is reported that most of these organisations do not have work standards and the Secretary General of HCC stated that serious efforts will soon be deployed to address this gap and build a solid national system for children protection, in conjunction with UNICEF.

It is understood that Palestinian refugee children do not have access to the SDC.<sup>178</sup>

#### *c. The Ministry of Justice*

The MoJ is the only ministry mandated to work with children in conflict with the law. The Department of Minors (Youth Department) was established under Law No. 422. This department is responsible for the development of measures protecting young people and preventing children from being in conflict with the law. However, the Youth

Department remains ineffective, largely as a result of its bureaucracy. In addition, it appears that coordination between the Youth Department and the MoSA, while active, focuses primarily on juvenile delinquency and not on protection issues.<sup>179</sup> This is because Law No. 422 focuses more on legal protection for children in conflict with the law, rather than on providing social protection to children at risk or victims of abuse. This is taken into consideration by various Lebanese and Palestinian organisations, as well as international institutions that deal with children protection issues. Notably, Law No. 422 transfers the right to care for children in conflict with the law to the MoJ; the MoSA retains the responsibility for preventive aspects in cooperation with the relevant administrations and NGOs. However, in certain areas, there seems to be an absence of adequate cooperation between the MoSA and the MoJ.<sup>180</sup>

There is also recourse to private sectors active in juvenile justice to compensate for lack of state services. At the moment, Lebanon does not have a body of state-sponsored social workers, except for employees and contractors of SDCs. Those social workers, however, are only responsible for social protection, whereas legal protection is ensured by UPEL, which has signed a MoU with the Lebanese government to provide judicial and legal protection of children under 18 years of age, regardless of their nationalities. The MoU states that neither investigators nor juvenile judges are allowed to proceed with interrogations and/or trials of juveniles without the presence of an appointed UPEL social worker, who provides guidance and support for youth throughout the procedure. UPEL social workers are also mandated to provide judges with social reports about the cases of juveniles in conflict with the law, as well as to recommend sanctions in accordance with the nature of the cases and the situation of the children and youth indicted. UPEL is also mandated to follow-up on cases and monitor indicted juveniles' compliance with the judges' decisions, as well as to provide

social and family protection to children and youth at risk, especially in the periods following their conflicts with the law.<sup>181</sup> This system of 'contracting out' also covers a complaints mechanism. To date, Lebanon has not adopted a clear mechanism for monitoring infringements of children's rights in general. However, the juvenile department at the MoJ is presently undertaking the follow-up of incoming complaints, especially those related to prosecution, arrest, and trial procedures, and the referral of such complaints to the relevant authorities.<sup>182</sup>

In terms of monitoring, the Committee on the Rights of the Child noted with concern the poor accountability and transparency involved in the process of privatizing or contracting-out services to NGOs, as well as the lack of critical information provided by external monitoring and assessment mechanisms.<sup>183</sup>

#### *d. Other Relevant Ministries*

In addition to the Youth Department, a United Nations Office of Drugs and Crimes report found that a Youth Police Unit was to have been established within the judicial police.<sup>184</sup> According to the ISF, however, this project had not been implemented as of April 2008.<sup>185</sup> Through UPEL social workers, the judiciary police (with the mandate explained above) collect data on child abuse cases under the memorandum on data collection with juveniles.<sup>186</sup>

The Ministry of Education (MoE) works on detecting learning difficulties, behavioural problems, and emotional problems. As for corporal punishment, it is legally allowed but administratively banned.<sup>187</sup> Like all Lebanese administrative bureaus, the Lebanese MoE's Private Education Department does not have the jurisdiction to take preventive or intervention actions inside camps or within schools in the camps, because education of Palestinian refugees is a mandate of UNRWA.<sup>188</sup> Contradicting information



was shared regarding whether or not Palestinian children residing inside the camps have access to Lebanese public schools. From the field research conducted in various camps, the fact remains that a very small number of Palestinian pupils are enrolled in Lebanese public schools located near the camps, most of which are secondary schools. Nevertheless, school counsellors are employed in the 75 UNRWA schools (including six secondary schools), where approximately 33,000 pupils receive primary, intermediate, and secondary education.

These school counsellors are full-time teachers, but their contracts with UNRWA stipulate that they dedicate five periods per week to council children in their schools. Counselling is done either by the personal initiative of children, or based on the identification of cases through direct observation, performance monitoring, or reports by third parties (teachers, parents, other students, etc.). These school counsellors report to five lead school counsellors, one for each UNRWA area (North, Tyre, Saida, Beirut and Bekaa). The mandate of these lead school counsellors is to provide guidance to the full-time teacher/school counsellors, who assist children who are facing difficulties or who are at-risk. Cases are also referred to NGOs providing social protection for children, but referrals are not done in a systematic manner. For example, school counsellors in the Tyre area refer cases with a need for social protection within families to Terre des hommes, whereas Terre des hommes refers cases where there is a risk of dropping out of school to these teachers. Similar referral mechanisms do not exist in other areas, and even in Tyre, they are not formalized or structured, but rather evolve in an informal setting.

e. *Governmental Bodies  
Specialised in Dealing with Palestinian Refugees*

In 1959, Lebanon created the Directorate for the Affairs of Palestinian Refugees under the Ministry of Interior (MoI) and the Directorate General for political and refugees affairs.<sup>189</sup> The Lebanese government registers Palestinians living in Lebanon either at the Department of Palestinian Refugees' Affairs or at the Directorate of General Security.<sup>190</sup>

**“The main role of the Lebanese Palestinian Dialogue Committee is to improve the situation of Palestinian refugees in Lebanon and to facilitate communication and coordination between Palestinian leaders and the Lebanese authorities.”**

.....

leaders and the Lebanese authorities. In this regard, the functioning of this body is closely related to the PLO in Lebanon, which is recognized by the Government as the sole representative of the Palestinian people. It has therefore been affected by the tensions and power struggles among various Fatah leaders and the increased presence of Hamas in the camps.<sup>191</sup> Positive actions taken by this structure have included addressing the status of non-ID refugees. According to a committee official, over 1,000 non-ID refugees have since been provided with IDs and

The main structure for coordination between camp and gathering governance bodies and the Lebanese authorities is the Lebanese Palestinian Dialogue Committee (LPDC). Created in 2005, this committee sits in the Prime Minister's office and is composed of representatives from the ministries. Its main role is to improve the situation of Palestinian refugees in Lebanon and to facilitate communication and coordination between Palestinian

other cases are being processed.<sup>192</sup> Still, the coordination does not seem to be comprehensive and efficient in the field of child protection.

The Chairman of the LPDC resigned in 2009, reportedly due to the creation of a new ministry that took responsibility for Lebanese-Palestinian relations, resulting in some overlap of powers between the two structures.<sup>193</sup> The repartition of tasks between the two institutions has yet to be clearly carried out. Following a conference organized in October 2009 by the Issam Fares Centre for Lebanon, the institute issued a report in May 2010 compiling the main findings and proposals discussed by the participants. One of its main recommendations to the Lebanese Government called for the creation of a Ministry for Palestinian Refugee Affairs that would expedite the decisions taken by the LPDC.<sup>194</sup>

#### *f. National Plans of Action or Strategies*

In its 2004 report to the Committee, Lebanon noted that it “didn’t rely on a national strategy that was specifically tailored for children.”<sup>195</sup> The Committee on the Rights of the Child subsequently noted the HCC’s preparation of a national plan for the advancement of children in Lebanon.<sup>196</sup> Another encouraging development is the Parliament’s drafting of the Human Rights Policy Plan for Lebanon, with support from the UNDP and OHCHR.<sup>197</sup>

#### *g. Linking the Camps and Gatherings to the National Child Protection System*

As stated earlier, ultimately, there is an open question as to what extent the State CPS benefits Palestinian refugee children. This issue is commonly addressed in other refugee crises. For example, it is recognized that “rather than trying to link up or strengthen the national CPS, UNHCR tends to substitute other mechanisms to the existing struc-

tures in the host countries (without necessarily having the relevant skills, capacities, or resources).”<sup>198</sup> This being said, the gaps and weaknesses of the national CPS must be taken into account in order for any bridges to be built.

It seems unlikely that the National CPS currently has the capacity to address cases involving Palestinian refugee children in Lebanon. Even if some links were established, the inability of some State services to access the camps would remain an issue. On the other hand, no statistical or quantitative studies have ever addressed Palestinian child protection cases that have been or will be covered by Lebanese State institutions. There is no reason to ‘deepen’ the closed nature of the camps vis-à-vis existing mechanisms and structures outside the camps.

## **5. Non-Governmental Organisations and Civil Society Organisations including Community-Based Organisations**

It is not the purpose of this section to provide an exhaustive mapping of the services, mechanisms, and interventions related to child protection for Palestinian refugee children. It aims instead at underlining the main types of activities and programmes carried out by NGOs and CSOs, and identifying key related gaps and strengths.

The analysis of services and mechanisms provided by NGOs and CSOs is influenced by three elements. First, despite the presence of state-sponsored social workers in MoSA SDCs in Lebanon, a heavy reliance still exists on NGOs and CSOs to provide services, including protection. This is being done either through formal channels, such as through the Law No. 422, or on an *ad hoc* basis outside a proper legislative or policy framework. Secondly, UNRWA’s lack of a full specific protection mandate has increased the role of civil society in protection activities

for Palestinian refugee children. Third, while Palestinian refugees in camps and gatherings are ostensibly protected by Lebanese law, in practice there is no formal protection structure in these areas. Local NGOs and CPOs in camps and gatherings are functionally key stakeholders for protection.<sup>199</sup>

## **i. NGOs and Types of Interventions**

There seems to be variations in types of intervention, depending on the category of the NGO/CSO concerned. International and regional NGOs primarily work on capacity-building, awareness-raising, training of social workers, and funding of other NGOs. CBOs play a more significant role in direct and operational protection interventions such as detection, reporting, family support, or alternative care (with the support of international NGOs). On the other hand, there are cross-cutting elements to consider when trying to describe the role of NGOs active in the area of child protection.

Like the international NGOs that have projects aiming to improve the Lebanese CPS as a whole, as well as projects specifically targeting Palestinian refugees, local organisations include institutions that are working country-wide on child issues and others that only work with Palestinian refugees, including children. National CSOs include Lebanese organisations and Palestinian CBOs working specifically in the camps.

International NGOs and local organisations carry out a series of projects and programmes, some protection-oriented—either for children or for all persons in need of protection—covering an array of protection interventions, while others concern only one specific aspect of protection. Finally, some organisations work in fields that indirectly serve a protection purpose, such as education or

health or service delivery to Palestinian refugee children, and are able to identify or detect cases of abuse.

It is important to note that the spectrum of activities labelled under ‘protection’ can be very broad. For example, psychosocial support is generally seen as a component of child protection. In this regard, approaches may vary within the same organisation. For example, in November 2008, a Project Coordinator for Handicap International indicated that child protection was not part of the mandate of the Handicap International psychosocial support network.<sup>200</sup> However, the Project Manager for this Handicap International network explained that it is related to protection, because children in need of psychosocial support and psychological support are likely to be children facing protection risks or issues.<sup>201</sup>

Considering the above, the following programmes and projects are highlighted as complementary efforts towards better protection of Palestinian refugee children.

Among the programmes and projects pursuing a general protection goal, the project by the DRC is worth outlining.<sup>202</sup> Its “Palestinian Refugee Protection Project 2009-2010” seeks to enhance the protection environment for Palestinian refugees in Lebanon, with a particular focus on communities in the southern part of the country (five camps and 23 gatherings in the areas of Saida and Tyre). DRC’s definition of protection issues is addressed at three levels. First, child protection is addressed on the individual level through direct support to highly-vulnerable refugees, including non-ID refugees and families from Nahr el-Bared camp displaced in southern Lebanon. Second, at the community level, it is addressed through programming to improve awareness of protection issues, and referral and response capacities. Finally at the regional/national level, it is addressed through information dissemination, coordination, and advocacy.<sup>203</sup> As part

of this project, the DRC conducted an analysis on how Palestinians in Southern Lebanon perceive protection.<sup>204</sup> Based on the findings and community feedback received during this study, projects have been developed by local organisations.<sup>205</sup> This protection project includes supporting response mechanisms at the household and community levels, such as the establishment and training of CFPs regarding relevant protection issues and responses.

More generally, DRC provides capacity for other organisations that have no protection capacity, this way ensuring that they adopt an improved protection approach, adopting principles such as confidentiality or data exchange.<sup>206</sup> DRC supports ten local NGOs and CBOs,<sup>207</sup> strengthening their capacity to be semi-referral partners, as well as offering them funding to implement protection activities.

Terre des hommes currently manages the “Palestinian Refugee Project” to promote the identification, utilization, and connection of child and family protection resources that currently exist within the Palestinian community but are not coordinated or well-networked. It was designed following the Terre des hommes report, “Child Protection - Assessment of Palestinian Camps and Gatherings in Tyre Area, South Lebanon” (March 2009), and will be augmented by the participation of children and youth in their own protection. Nonviolent strategies will be used to assist child protection stakeholders and provide them with methods to transform conflicts. Terre des hommes plans to focus its activities on homes and communities of Palestinian refugees, utilizing and strengthening existing ‘formal’ humanitarian resources, but also promoting better use of existing ‘informal’ mechanisms of protection and inclusion for children, youth, and the family unit in order to enhance the protective environment.<sup>208</sup>

Save the Children Sweden is working on “Establishing National Protection Systems in Lebanon, the Occupied

Palestinian Territories, and Yemen: 2008-2012”, thus supporting existing national child protection mechanisms in Lebanon. It also runs various projects specifically targeting Palestinian refugee children. Save the Children Sweden works on capacity-building for various local Palestinian NGOs in Lebanon that are working with children and youth.<sup>209</sup>

Save the Children Sweden responded to the emergency in Nahr al-Bared Refugee Camp by confronting the protection and education needs of children in both Nahr al-Bared and Beddawi. Save the Children Sweden created safe play areas, and provided psychosocial support and remedial education to children affected by the conflict. Additionally, a CPN of partner organisations and other local NGOs was created to coordinate the emergency response. The network developed an early detection and referral system, identifying children at risk or survivors of child rights violations and referring them for specialised support and protection.

More recently, the CPN in the north was entrusted with additional functions through the Save the Children Sweden project, “Protecting the Rights of Palestinian Children affected by Armed Conflicts Through Community-Based Mechanisms in the Gaza Strip and North Lebanon”. This project aims at improving the capacity of the CPN and the involved CBOs and NGOs to identify and address children’s rights issues through better-integrated and effective programmes. Educational and psychosocial activities, parenthood support, and strengthening of the existing referral system are included in the project plan. In addition, evidence-based reporting mechanisms of child rights violations will be established in compliance with the CRC and UN Security Council Resolution 1612. It is important to note that Resolution 1612 requires countries listed in Annex I and II to establish a monitoring and reporting mechanism on the

six gravest violations.<sup>210</sup> Reflecting the situation in northern Lebanon, there was a need to adjust the monitoring and reporting mechanism to the context of the Palestinian camps where there is no current armed conflict. In March 2010, the CPN identified four violations to report on: i) violence, (physical, sexual, verbal, and bullying); ii) abuse of power; iii) discrimination against children with disabilities; and iv) children abusing or selling drugs. The topic of children dealing drugs has been subsequently excluded, as no cases were reported. However, monitoring and reporting is not done in an official manner, but instead through a contextualized mechanism using data collected through the CPN to raise awareness and design advocacy activities to enhance policy change within the camps.

It is also necessary to consider NGOs that deliver services and are in a position to identify cases. This raises the complex question of referral systems and mechanisms for addressing cases that are detected. For example, the Norwegian Refugee Council (NRC) indicated that when it comes across cases of protection (understood in a broad sense, closely related to access to services), they refer them to UNHCR when the cases concern Iraqi refugees, and TDH when the cases concern Palestinian refugees. Through its shelter programme, NRC staff members conduct door-to-door surveys in the gatherings that offer key opportunities for identifying protection issues. NRC does not have the capacity to deal with those cases, and therefore refers them to the relevant organisations.<sup>211</sup>

A number of NGOs provide social workers that follow up on cases, intervene in family cases, and compile forensic, social worker, and psychological reports for the courts. Through UPEL<sup>212</sup>, these social workers identify and suggest institutions for children who need to be (temporarily) separated from their families.<sup>213</sup>

Other NGOs have initiated interesting procedures on their own without having been commissioned by governmental structures. For example, KAFA, a Lebanese NGO, has established a complaint office that both children and adults can contact in case of abuse (the work of this NGO is on a local scale).<sup>214</sup> UPEL has also set up a 24-hour telephone line that children can call to report cases of abuse.<sup>215</sup> Some complaint boxes have been set up in schools and NGOs.<sup>216</sup> Finally, HCC will soon be launching a helpline for children.

The role of local organisations is particularly important with regard to the protection of children in the camps and gatherings, whether as partners of international NGOs or outside of such partnerships. However, it is necessary to highlight that the unique nature of the camps, with their own governance structures and dynamics, has a significant impact on the kind of protection activities that are undertaken. A general overview shows that they commonly support children through kindergartens, youth centres, vocational training and remedial classes, and training or awareness-raising sessions on topics such as women's and children's rights, domestic violence, and other social issues. Terre des hommes also noted that Scout groups are an important actor amongst children and youth in the camps, yet their importance as a child protection actor is often overlooked.<sup>217</sup> (However, it must be noted that these groups are politically aligned.)

NGOs usually design their own protection interventions within the refugee camps. For example, a number of NGOs are committed to awareness and social intervention activities to prevent and respond to child abuse.<sup>218</sup> Other NGOs may also be implementing independent protection interventions.

The status and role played by UPEL in protecting Palestinian refugee children deserves specific attention. As



**“The inability of the police to enter the camps greatly hampers the implementation of protection measures adopted by the Lebanese judiciary, whether they are for Palestinian children in conflict with the law, or for Palestinian children victims of abuse.”**



Mount Lebanon police at the time of the interview was approximately 15. There is, however, no disaggregated data for Palestinian refugee children benefiting from the services of UPEL for all UPEL branches.

The activities of UPEL illustrate the difficulties of gaining access and dealing with the complex mixture of authorities in the refugee camps. As explained by one UPEL branch manager, the inability of the police to enter the camps greatly hampers the implementation of protection measures adopted by the Lebanese judiciary, whether they are for Palestinian children in conflict with the law, or for Palestinian children victims of abuse.<sup>219</sup> Nevertheless, UPEL staff has conducted home visits in some camps. This Branch Manager refused to accept that problems of access are a reason for not doing anything. She noted that there are ways to facilitate access and that these limitations vary from one camp to another. Rather, there are very few Lebanese NGOs that provide services to Palestinian children, and there is little room for Palestinian children

mentioned earlier, UPEL is the only NGO mandated by the MoJ to provide judicial protection to children in conflict with the law and to follow up on cases of children who are victims of abuse. It provides services for all children in Lebanese territory. According to the UPEL Branch Manager for the Mount Lebanon Office, Palestinian refugee children in conflict with the law outside the camps tend to flee and hide in the camps. The number of Palestinian children under arrest by the

in Lebanese shelters. According to HCC, the need for shelters in Lebanon generally is higher than what is available, thus the issue is not about turning away Palestinians *per se*, but rather a general availability issue. Furthermore, most shelters are not up to standards, a concern that has been articulated by many observers and stakeholders. Mechanisms for foster families, while not recognized by law, should be promoted.<sup>220</sup> An effort is underway to find pathways to link UPEL with the work of the CPN in the North, with the support of Save the Children Sweden and the CPN members.<sup>221</sup>

There seems to be no mechanisms in place regarding child arrests within the camps or gatherings, except for those that relate to the most serious crimes and involve cooperation with the Lebanese police. This is particularly important since governance structures and their respective roles vary from one camp to another.<sup>222</sup>

## ii. Referral and Networking

It is interesting to provide a brief overview of the existing referral and networking mechanisms between NGOs and CBOs taking place in Lebanon for Palestinian refugee children. In the absence of a national CPN coordinating the activities of NGOs and CBOs, several mechanisms exist with variations in size, scope, area of coverage, and level of formality.

Informal referral mechanisms exist between some NGOs. For example, DRC, Terre des hommes and the NRC have regular meetings to discuss protection issues that they cannot address within their respective organisations. For example, since DRC has no in-house capacity to design a child protection response, they use Terre des hommes as a referral partner in this regard. In addition to these informal meetings, they rely on bilateral relations with members of various organisations, such as Premiere Urgence,



NRC, PalWHO, Caritas, and Handicap International.<sup>223</sup> While the mechanism is not formal, they nevertheless use formalized data exchange processes, and they base their work on Terre des hommes or DRC case management.

Whenever psychosocial therapy is needed, cases are usually referred to psychologists working with other organisations. Referrals are also done to psychomotricians, speech therapists, and other professionals, as applicable. The mandate of community workers varies from one organisation to another, as each organisation has its own structures and work processes. In Tyre and Saida, CRNs were set up including both Lebanese and Palestinian CSOs, such as Naba'a. Unlike the CPNs in the North that carry out data collection pertaining to issues of Palestinian children, the CRN operates among NGOs working in both Lebanese and Palestinian contexts.

The most established and formalized referral system in Lebanon is the psychosocial and disability referral system set up by Handicap International, which is based on a mapping of all relevant organisations and institutions active in the camps and gatherings. This mechanism is limited and only concerns psychosocial and disability services. It provides interesting lessons on the establishment of a referral system that does not cover all interventions and services necessary under a complete case management cycle.

According to the current Manager of the Handicap International "Psychosocial Support and Psychological Care Project", the system started with UNRWA requesting support for children in schools who were victims of violence, and then evolved from there. First, a group of social workers from kindergartens (mainly in the North) met with a psychologist from Handicap International to discuss how to identify cases and when and how to make referrals. Over the years, it developed into a combina-

tion of referral and training. While it once was taboo for parents to refer a child to a psychologist, since the start of the project, mentalities have changed and families have begun to accept the idea. This change resulted in over-referral, however, since any child demonstrating problems was referred.<sup>224</sup> Over the years, the centres prioritised children with psychosocial difficulties. By 2009, the capacity to refer increased, but there remained a lack of information or knowledge for specific cases. To sustain the system, it was necessary to make it autonomous and not completely dependent on Handicap International staff. Two measures were undertaken. The first was the establishment of a one-year curriculum to provide information. The second measure was the opening of two Resources and Orientation Centres (ROC) in El-Bass and Beddawi to provide social workers with information on psychosocial problems and disabilities. The ROCs also provide advice, and anyone who has a child with problems can bring her/him to the centre and ask where to refer the child. These measures resulted in the need to map psychosocial and disability referrals, identifying relevant Palestinian NGOs, as well as implement an awareness-raising campaign on the system in the centre.

While only social workers made referrals at the beginning, increasingly psychosocial and physiotherapists referred visitors, as well as conducting parental guidance sessions and training UNRWA nurses in identification. The Handicap International Project Manager explained that the CPN in the North and the DRC Protection Project in the South would be used to better integrate the referral system through new initiatives. She emphasized, however, that in other camps, referral was more *ad hoc*. In addition, gaps exist in a common understanding of the meaning of 'psychosocial'.<sup>225</sup> In this regard, the Psychosocial Working Group was created in 2008 to share experiences. Partner organisations include Community-Based Rehabilitation Association, Family Guidance Centres, Zoukak, I care,

Palestinian Women Humanitarian Organisation (Pal-WHO), Ghassan Kanafani Cultural Foundation (GKCF), Najdeh, General Union of Palestinian Workers, CYC, Naba'a, Mercy Corps and Save the Children Sweden.

The Project Manager identified challenges, such as the need to have more NGOs specialized in protection, and the need for additional shelters. Because referrals are only one type of intervention, the lack of safe shelters for referral renders the whole system incomplete and therefore inefficient. She also emphasized that the most common protection risk covered in the Handicap International project is neglect and abuse, where very severe cases require intervention by professionals other than psychologists. The system sometimes leads to the labelling of some serious cases as not requiring further intervention when no services or institutions are available for them.

### iii. Issues Regarding the Work of NGOs

One problem relates to key service providers' (notably social workers') lack of training and awareness in CPS and related laws.<sup>226</sup> The issue appears to be more acute among staff and volunteers working with children in camps and gatherings.<sup>227</sup> Child protection remains a vague concept, understood differently by various actors. As demonstrated by the psychosocial referral system, confusion about what child protection means hampers attempts to coordinate activities. For example, NGOs or CBOs view the mere delivery of services as amounting to child protection but are not aware that they have a role to play in detection and identification of cases. Consequently, they do not integrate a child protection approach into their work.<sup>228</sup>

Secondly, to date there seems to be little or no comprehensive coordination between NGOs and CBOs.<sup>229</sup> Some stakeholders interviewed for this study pointed to a lack of proper communication between NGOs.<sup>230</sup> Coordina-

**“There is a tendency for some stakeholders to view their work in isolation, and there is a lack of knowledge about existing frameworks and mechanisms.”**



tion remains limited, either within a specific component of child protection, or more generally between sectors. There is a tendency for some stakeholders to view their work in isolation, and there is a lack of knowledge about existing frameworks and mechanisms. Existing coordination structures remains insufficient, particularly within camps and gatherings. Notably, the emergency situation caused by the destruction of the Nahr el-Bared Refugee Camp in 2007 resulted in the design of new coordination mechanisms in Nahr el-Bared and neighbouring Beddawi that were not replicated elsewhere.<sup>231</sup>

In the Tyre Area, Terre des hommes' study found that more coordination is needed in order to focus and unit actors, specifically in the Palestinian camps. More generally, this raises the question of sustainability of procedures or activities set up in an emergency context. When coordination exists, it appears not to be as broad as a CPS should be.<sup>232</sup> Terre des hommes ultimately concluded that the lack of networking and sharing of best practices at least partly explains the weakness of referral pathways within the camps and gatherings when a child is deemed to be at risk.<sup>233</sup>

There seems to be no proper linkage between the projects or initiatives mentioned above in the field of protection. For example, the Terre des hommes project aims at creating child protection focal points in some camps and gatherings, while the DRC project intends to establish community protection focal points. Both initiatives should



be established in close cooperation in order to avoid duplication or confusion.

Beyond the issue of coordination and cooperation between NGOs, there is also a lack of coherent and integrated cooperation from UNRWA with NGOs. A former DRC Protection Project Manager said that UNRWA demonstrates limited openness with NGOs.<sup>234</sup>

Closely linked to the lack of coordination is the issue of duplication of certain activities, on the one hand, and the lack of other protection services on the other. A workshop organized with NGOs and CBOs illustrated that, while numerous activities (such as awareness-raising campaigns) have been undertaken to prevent child protection risks, there are very few services responding to existing child protection risks.<sup>235</sup>

Another key issue lies in the oversight mechanisms, follow-up, and quality control of NGOs and CSOs. There are currently no set standards used by organisations involved in child protection in the camps. The exceptions are a few informal attempts, such as the training that Naba'a—with support from the Netherlands, Save the Children Sweden, Humanitarian Accountability Partnership International, and Christian Aid—implemented for local NGOs about building safer organisations, including setting up a systematic investigation complaint and response mechanism, improving accountability, and developing quality control.

Referral systems remain either limited in scope or rather informal. Moreover, referrals are only fully efficient if undertaken by trained staff and when services and protection interventions are available to address identified cases, including the most serious ones. As mentioned previously, there is a lack of shelter or alternative care solutions for Palestinian refugee children in need.

Finally, especially within camps and gatherings, the reliance on NGOs and CSOs may result in variations in treatment, depending on the case, context, and location. Sustainability is also an issue; most projects and services depend on external funding and are therefore limited in time and area of operation.

## 6. Community

Due to the unique nature of Palestinian camps and gatherings in Lebanon, community actors and structures play a very important role in the discussion of child protection mechanisms for Palestinian refugee children. At the same time, any attempt to provide systematic or generalized data on these actors is difficult. There are variations between each camp and gathering, and the functioning of such mechanisms are often *ad hoc*. For example, the number and form of the Popular Committees vary from one camp to another.<sup>236</sup>

### i. Gaps in the Child Protection Environment

Governance structures within the camps and gatherings are invariably involved with child protection issues. However, these structures, often driven by traditions and political considerations, frequently fail to provide proper protection for children.

First, there seems to be no institution or body mandated specifically for dealing with child welfare or child protection within the governance structures of the camps and gatherings. The *Terre des hommes* study showed that Popular Committees in the Tyre Area are perceived as focusing more on adult issues. Second, security committees typically have little knowledge of or training in child protection standards. Third, protection interventions and mechanisms appear to function on an *ad hoc* basis,

depending on intertwined factors such as the context of the case, the status of the perpetrator, and the willingness of influential actors to get involved. Institutionalized and systematic mechanisms and referral systems do not seem to exist in the security committees or in governing structures' interaction with NGOs. These observations should be confirmed through field research. Finally, there is a lack of overall coordination within camp governance structures.

Conditions for children in refugee gatherings appear to be even more problematic than in the camps. This is partly due to the absence of services.<sup>237</sup> Future fieldwork should gather information on whether findings in the Tyre Area can also be applied to other gatherings. The absence of UNRWA installations and services in gatherings may also account for such gaps.

## **ii. Community-Based Approaches and Mechanisms**

The importance of the role played by communities in the Palestinian camps and gatherings requires a review of community-based approaches to protect Palestinian refugee children. These approaches assume that the protection of children is primarily the responsibility of the communities. They minimize the risk of failure and rejection of projects by creating ownership and shared responsibilities within a community.<sup>238</sup> It is also necessary to identify which mechanisms within the community—traditional and informal—can be harmful to children, in order to ensure that all processes utilized meet the key principles of child protection.

Religious leaders, sheikhs, or imams have strong influence and are often consulted by those seeking recourse for civil affairs. Moreover, respected family leaders and committees

of elders often play a key mediating role, depending on the issue. The importance of these individuals or groups is derived from the fact that both tradition and political influence<sup>239</sup> are key pillars of the organisational structure in the camps. Palestinian camps are typical of many traditional contexts, in which the community at large—including security officials—may favour negotiation and compromise as the appropriate ways to deal with problems, crimes, abuses, and violence against children.

The importance of the community's informal mechanisms and actors is exemplified through the way NGOs and CBOs have to take them into account when carrying out an intervention in response to a protection risk. One Palestinian NGO described their protection intervention process step by step. In a case in which a social worker from their NGO believes that a child is being abused, he/she fills out a situation report based on interviews with the teacher, parent, and child. In some cases, they request that a doctor checks for signs of physical abuse. These reports are then submitted to a committee (within the NGO) which is comprised of a psychologist, a doctor, a project manager, and the social worker. If the doctor's report confirms an instance of physical abuse, this committee investigates the case further. The first avenue of recourse is to approach the family and community elders in an attempt to identify an internal solution to the problem, such as moving the child to the home of another family member. If this is unsuccessful, the NGO approaches the Popular Committee/political factions within the camps. If they fail to act, the NGO approaches the Lebanese military/police to put pressure on the Palestinian authorities within the camp. There are ultimately two solutions for the child: residence with the extended family or placement in a Lebanese institution.<sup>240</sup>

No official records are kept of these cases, and it is very difficult to generate figures and statistics in this regard.





Beit Atfal As-Soumoud stated that only one girl was referred to a Lebanese organisation, but of the many organisations that were contacted, only one agreed to host her. Immediately after Beit Atfal As-Soumoud received the approval, however, the 2006 July War broke out, and the girl could not be relocated. No cases of residence with extended families have been reported.

In contrast, the CPN in Nahr el-Bared and Beddawi reports on a quarterly basis on the four selected violations mentioned above. According to its most recent report (January-March 2011), 87 cases of violence against children were reported, as well as two cases of discrimination against children with disabilities, and five cases of abuse of power.

Given the current status of camps in Lebanon and the obstacles for Lebanese child protection mechanisms to be effectively applied to Palestinian refugee children, there is a critical need to design protection interventions and projects based within the community. This need is exemplified by DRC community focal points (CFP) and the project by Terre des hommes to establish child protection focal points inside the camps.

The first project by DRC is based on findings from the study “Knowledge, Attitudes and Practices Analysis of Palestinian Communities in Southern Lebanon” (2009), focusing on gaps and existing mechanisms with communities. The DRC protection project targets three levels: individual, community, and national/regional level. At the community level, it aims at improving awareness of protection issues, as well as referral and response capacities. It intends to create CFP as reference points within each community in the camps and gatherings in the south. The project started with 110 CFPs receiving training in basic protection, community mobilization, and conflict resolution. Each trained CFP then teamed up through peer-to-

peer methods. They could also act as referral mechanisms at a further stage.<sup>241</sup>

Following a March 2009 report by Terre des hommes, the NGO initiated a two-year project through a participatory approach in three refugee camps (Burj Shemali, El-Buss, and Rashidieh) and three gatherings in the south (Wasta Gathering, Jal el-Baher Gathering, Maachouk Gathering). The project aims at working with three main actors: the PLO and Popular Committees, community committees, and NGOs/CSOs. The project is based on identifying child protection focal points, as well as conflict transformation focal points chosen and agreed upon by the main political faction.<sup>242</sup> Terre des hommes aims at mapping and networking community-based child protection actors, referral pathways, and informal mechanisms as well as implementing the “Terre des hommes Child Protection Training and Coaching Course” for these focal points.

## 7. Family

In relation to Palestinian children, and in view of prevailing conditions in the camps and gatherings, families have a critical role to play. The most recent study by Terre des hommes showed that parents have little faith in the system and the current actors. Parents expect little or no support from key duty-bearers (the Popular Committee, The Armed Struggle, *Tahaluf*, school principals, etc.). Most importantly, there is a general consensus that parents should take it upon themselves to resolve disputes or incidences of abuse. Conversely, parents generally feel powerless to protect their children from abusive employers, teachers, or other adults in the camps and gatherings.

In the Tyre area, to some extent, the parents appeared resigned to accepting the status quo. One woman from Burj al-Shemali recalled a “Peace Club” that she and a group of women had formed. This group of women went

into schools three times a month and observed lessons, as well as talking to the UNRWA director about any concerns they had. This example was exceptional. (This also demonstrates the need to do research regarding gender dynamics and the roles played by women, as opposed to men, in dealing with conflict and issues involving children.<sup>243</sup>)

The importance of safeguarding the honour of the family seems also to result in negotiations and compromise, often to the detriment of child protection. A focus group was conducted with mothers of one or more children aged eight to 18 years old in Burj Barajneh camp in Beirut. The focus group showed that mothers are aware of various types of violence experienced by children, especially physical violence, verbal violence, sexual abuse, and emotional abuse, such as neglect and harshness. These mothers also asserted that forms of violence used against children include the denial of their right to education or their right to access decent clothing and food.

It is worth noting, however, that these women were recruited by PalWHO that works in Burj Barajneh camp, from a pool of women who frequently visit the organisation and benefit from its various services. In this regard, they mentioned having attended various awareness-raising sessions about violence against children. And, although they were able to acknowledge the effects of violence on children, some of them admitted using it for disciplining their children, considering it ‘petty’ violence—slaps on hands, legs, face, etc.—compared to ‘major’ violence such as harsh beatings. Some of them said that they never beat their children, but use other means of discipline such as not talking to them. Most mothers admitted that they had been warned of the negative effects of violence against children, but said they could not help themselves sometimes, because their children drive them crazy. Others said that their living conditions were very difficult and that

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they are usually exhausted and very stressed so they sometimes take it out on their children. When asked whether they feel they have adequate tools for positive discipline, most mothers said that they just didn’t know what to do to make their children behave.

Mothers in the focus group also reported that violence against children is widespread in their community. One described an abusive neighbour who violently beats his child while working with him on his homework. Others acknowledged the widespread use of violence as a coercive measure for children and adults. The women also mentioned that social hardship and living conditions in the camp influenced the behaviour of individuals and families. For example, they said that the population density, and the lack of public spaces where kids can play, significantly affects the social and familial dynamics, which eventually reflects on the lives of children. The mothers also deplored a general culture that does not allow children to freely express their opinions. They speculated that this tradition is based on the oppression of the child by his parents, teachers, and the society in general.

On that note, mothers related many instances where their children have been subject to violence at school—namely UNRWA schools in Burj Barajneh. The mothers reported that children are beaten and humiliated on daily basis in these schools, although some teachers were fired



by UNRWA officials as a result. In most of these cases, it was reported that the trivial reasons given for the punishment were disproportionate to the violence used. Mothers whose children have been beaten discussed the severity, and, as one mother explained, “it would have been okay if they were beaten on their hands or faces, but my son was beaten on his head, and I was worried about that.”

Another mother reported that her daughter was severely humiliated for something very trivial, such as talking to her classmate in class. When she went to school, she spoke to the principal, but wasn’t satisfied because the teacher continued the behaviour. This indicates a significant weakness in the complaint and response system in UNRWA schools. Mothers also talked about counter-violence currently taking place in the schools, whereby some teachers are humiliated and beaten by their students. One mother, whose sister is a teacher at UNRWA, said that UNRWA gives a lot of rights to students, which puts teachers in a critical situation where they have no recourse when students misbehave.

The focus group also reported an informal mechanism for resolving social problems occurring in the camp. The extended family, the sheikh, and the popular and security committees are usually parties to whom people have recourse when they face problems. Mothers reported a sexual abuse case whereby the security committee arrested the abuser and handed him over to the Lebanese ISF. However, the security committee only intervenes when explicitly asked to do so by the family or individuals at risk, which means that no preventive protection system exists within the camp.

Finally, the mothers said that some organisations were active in the field of family guidance, and that there are social workers to assist families. The mothers believed, however, that these initiatives “do not provide solutions,

but rather provide some advice and guidance”, which cannot counter the effects of tradition and the social problems that the Palestinian community faces in daily life.

## 8. Children

Two focus groups were conducted with boys and girls. The first focus group consisted of children (ages 8-12) from Nahr el-Bared Refugee Camp in Minieh, North Lebanon. The other focus group consisted of youth (ages 13-18) from Ein el-Hillweh Refugee Camp in Saida, South Lebanon. Children were recruited, for both groups, from among the pool of children who frequently visit Naba’a Association and benefit from its services.

Focus groups have shown that violence is a daily occurrence for children living in the camps, whether the perpetrators are family members (including brothers and sisters, but especially brothers), friends, teachers, or security forces (particularly in the case of Nahr el-Bared). Children in both groups stated that they don’t like the camp, nor do they like living there, although most of their lives are spent in the camps. Children reported that even their outings are to other camps, where they visit members of their extended families, such as aunts and uncles. Children in both groups stated that they like these outings as it is an opportunity for them to play with their cousins and other friends. It seems that children (in both groups) consider other camps to be better than the one they live in, probably because they visit it occasionally, and it represents for them an opportunity to leave the usual context.

Children and youth in Ein el-Hillweh reported that they don’t feel secure in the camp, whereas children in Nahr el-Bared showed nostalgia for the “old camp” that was destroyed in the 2007 war, and expressed their aspiration to go back there, “where they have memories, where their houses were.” As one boy from Nahr el-Bared described

it, “we feel that we were displaced twice, once from Palestine, and once from the camp.” One girl in Ein el-Hillweh reported that the security issues of the camp make their lives very difficult, and related a story that happened to her, a few weeks earlier when she saw someone killed on the road as she was coming back from her friend’s house. She said that she was very scared, and came back home and hid under the bed. This particular instance is worth noting, since it vividly illustrates the situation of Palestinian refugee camps in Lebanon, where absolutely no child protection measures are taken into account. Children in Nahr el-Bared also reported abuses by security and army officers. Social workers acknowledged the occurrence of these abuses, whereby children see their fathers and mothers arrested at the barricades and/or are asked about their *laissez-passer*. These confrontations scare the children and make them feel physically insecure.

On another note, all of the children, especially the girls, said that they are beaten, mainly by their parents, teachers and older brothers. Some girls also said that their younger brothers also beat them. One boy said that people are also violent with them outside of their homes, throwing hot water on the children when they play in small alleys. When asked about their feelings regarding this issue, some children did not say a word (especially the younger children in Nahr el-Bared, who only stared sadly at nothing). Others said they feel humiliated and guilty; some boys said that they feel embarrassed, especially when it happens at school or in the street in front of girls. This was mostly the case in the group of children aged 8-12.

In the group aged 13-18, one girl said that her neighbours always beat their children, and that she was personally scared of being beaten by them one day. These older children also reported a case of rape, and said that they were very concerned and scared about that. Some of them reported complaining to the school counsellor when

a teacher humiliated them, and that their complaints were taken into account.

In both groups, girls seemed extremely conscious about their femininity. This means that violence for them is when boys tease them in the streets, which they consider harassment. Even among the group of children aged 8-12, this seemed to be an important issue.

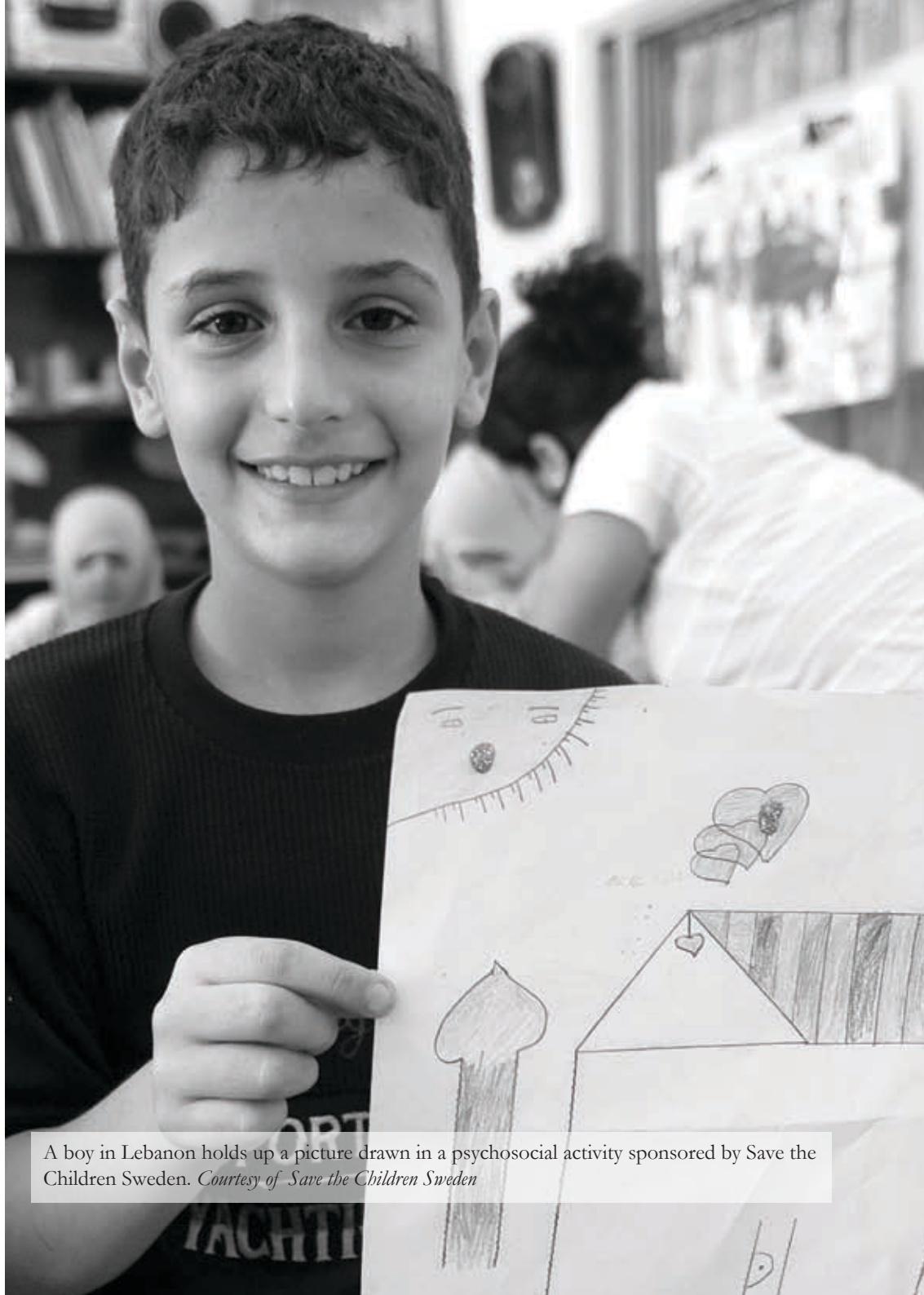
When asked about child protection, children defined it as protecting children from violence and providing them with a space to play and have fun. They defined violence against children as physical violence and absence of rights. The denial of the right to education was articulated by one girl who had dropped out of school but at her parents’ behest, not hers. Other definitions of violence against children included physical injury as well as the use of foul language used by adults in disputes. None of the children interviewed in Nahr el-Bared knew about the CPN, although most of them praised Naba’a Association, and said it is a place where they enjoy visiting, because they play, mingle, and have fun. As one child from Ein el-Hillweh put it, “I feel secure at Naba’a, because this is the only place where I feel I exist as a person, and all my needs are met.”

It is worth noting however, that most of the children interviewed could not easily express their feelings and seemed very uncomfortable and timid, especially when asked about sensitive issues, or about their feelings and aspirations. Others were hyper and overwhelmed, using stilted language when asked about their opinions and aspirations. This probably points to the fact that children in general are not used to freely expressing their opinions, so either they abstain from doing so, or they use the language they learn from parents and teachers.



When asked about the person or party they seek recourse with when they have a problem, most children said that they tell their parents and expect their understanding, which they don't always get. They all said that they would like their parents to talk to them, calmly, without shouting or beating, but said that this is quite unusual in their experience.

Children in both groups aspired to leave the camp and go back to Palestine, as their grandfathers told them that there they have big houses and nice gardens they can play in. Other children said that they would like to "be anywhere but here". Most children also said that they would like to be able to have rights in the future, to pursue their studies to be able to work and gain their living, but also to make their fathers proud of them. One child also said, "We don't want to be beaten at school anymore."



A boy in Lebanon holds up a picture drawn in a psychosocial activity sponsored by Save the Children Sweden. *Courtesy of Save the Children Sweden*



# Protection of Palestinian Refugee Children in the Occupied Palestinian Territory

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## 1. Introduction

The situation in the oPt<sup>244</sup> is very complex and specific.<sup>245</sup> Consequently, when addressing the CPS in the oPt, three different contexts need be addressed: 1) the West Bank under the PA; 2) the Gaza Strip under Hamas (*de facto* authorities and different legislative frameworks for some issues compared to the West Bank); and 3) East Jerusalem which, due to its illegal annexation, is under *de facto* administration of the State of Israel and the PA is denied almost all access. Furthermore, when examining the situation in the West Bank, one must take into account the division of the West Bank into areas (Area 'A', 'B' and 'C') and the so-called seam zones. In the section on the domestic legal framework, these regions will be discussed in detail.

The question of child protection is particularly important in the context of Palestine since it has a very young population, with 53% of the overall population of 3,825,512 under 18 years.<sup>246</sup> Specifically, more than 1.9 million Palestinians in the oPt are under 18 years old.<sup>247</sup>

Of this young population, approximately 40% of the residents in the West Bank including Jerusalem are refugees and/or IDPs. IDPs also account for about 80% of

the population in the Gaza Strip.<sup>248</sup> Those refugees live in refugee camps as well as in Palestinian cities and villages. In Rafah, for example, 85.9% of the inhabitants are refugees, while 51.3% of the population in Jericho and 33.6% of the inhabitants of Tulkarem are refugees.<sup>249</sup> Because many refugee families live outside of the camps, it is nearly impossible to distinguish between a refugee and a non-refugee child. Moreover, it was repeatedly emphasised by several stakeholders interviewed for this research project that protection mechanisms apply to both refugee children as well as non-refugee children alike.<sup>250</sup> In this light, this research will examine all available child protection mechanisms and tools in the oPt (in refugee camps and outside the camps).

While the State of Israel is the primary duty-bearer in the oPt, the PA and other child protection stakeholders also play a critical role in providing services, notably in an attempt to bridge the existing gaps in institutional support and in protection. The structure of this chapter will be slightly different from the chapter on Lebanon in order to reflect the geographical specificities in the oPt.

It is critical to emphasize from the outset that, unlike Lebanon, where there is no national-scale child protection system/network in place, recent developments in the oPt have led to such a system either being created or being revitalized. This can potentially be used as a reference framework on which existing mechanisms or new initiatives can rely. However, territorial and political divisions within Palestinian governance structures between Hamas, *de facto* authorities in the Gaza Strip, and the PA in the West Bank lead to a fragmentation of this embryonic system that has affected the functioning of the network as a whole. At this writing, two separate CPS/networks must be examined because, for example, MoSA branches in Gaza and the West Bank are not cooperating with one another. This development and the functioning of the

Gaza Strip child protection system is heavily affected by the Quartet policy of not talking to Hamas and the closed nature of this land under Israeli blockade. Having said that, whether child protection structures are in Gaza or the West Bank, they are more elaborate and established than child protection structures in Lebanon.

## 2. International Legal Framework and Main Duty-Bearers

The relevant legal framework under international law combines two main areas of international law: international humanitarian law and international human rights law,<sup>251</sup> both of which are applicable to the State of Israel and the PA.

“Under international humanitarian law, the Gaza Strip and the West Bank, including East Jerusalem, are classified as occupied territories and Israel is considered the Occupying Power.”

.....

of all Palestinians, including children living within this territory.<sup>252</sup> Israel is also responsible for the application of human rights law in the oPt. This holds true for two main reasons: it is widely recognized that human rights law does not cease to apply in times of military occupation.<sup>253</sup> More importantly, however, is that the application of human

This primarily derives from the jurisdiction or territorial control exercised by the State of Israel over this territory. First, under international humanitarian law, the Gaza Strip and the West Bank, including East Jerusalem, are classified as occupied territories and Israel is considered the Occupying Power. Under the law of military occupation it is the primary duty-bearer of the basic rights

rights treaties also extends to places under the signatory's effective control.<sup>254</sup> In this regard, as a party to the CRC, the State of Israel is also responsible for the application of this convention in the oPt.<sup>255</sup>

The recognition of Israel as an Occupying Power does not relinquish the responsibility of the PA in the West Bank and the *de facto* authorities in the Gaza Strip under international law, notably human rights law. For the PA, explicit obligations directly stem from the Oslo Accords.<sup>256</sup> In 1995, then-PA President Yasser Arafat declared the PA's endorsement of the CRC.<sup>257</sup>

Through a slightly different lens, the *de facto* authorities in the Gaza Strip also have obligations, as they have expressed repeated unilateral commitments to respect human rights<sup>258</sup> and should—considering themselves the lawful government of the PA—be bound by the PA's commitments to respect international human rights law.<sup>259</sup> Ultimately, both the PA and the *de facto* authorities in the Gaza Strip, as governing entities exercising a certain amount of control over a given territory, have obligations under human rights law.<sup>260</sup>

## 3. Legal Framework and Governmental Structures

### i. Domestic Legal Framework

The political and historical status of the oPt has resulted in a very complex domestic legal framework, particularly regarding child protection. This framework is further complicated by the fragmentation of authority and legal regimes currently in place in the oPt.

To date, the legal framework has been comprised of a patchwork of Palestinian laws, a very complex amalga-

tion of Ottoman codes and British amendments thereto; Mandatory and Emergency Regulations; Jordanian and Egyptian laws and constitutional principles; laws and regulations of the PA (since 1994); Israeli military orders; and Israeli law (concerning Palestinian children in East Jerusalem).<sup>261</sup>

Therefore, in order to give a comprehensive overview of this rather complex situation, the legal and political status of the West Bank, the Gaza Strip and East Jerusalem will be described in brief .

Here, it should be made clear once again that, within the oPt, the ultimate authority lies with the State of Israel. In practice, this hinders protection measures undertaken by the PA. For example, for Palestinians to transfer a Palestinian child in need of protection between areas ‘A’, ‘B’, and ‘C’ in the West Bank, Israeli authorization is required.<sup>262</sup>

As explained in the previous chapter, Israel as the Occupying Power is responsible for upholding the rights of children in the oPt; however Israel denies the applicability of any human rights convention to the oPt and thereby refuses to protect Palestinian children according to its international obligations—including its obligation resulting from the CRC, which Israel ratified in 1991.<sup>263</sup>

Furthermore, several factors keep child protection laws and policies from being developed, reformed and implemented by Palestinian authorities. Notably, the Palestinian Legislative Council (PLC) has been inactive since early 2006. Further, many different legal frameworks and traditions have to be considered, leading to long and complex processes to create policy. For example, drafting the new juvenile justice law bill started in 1999 and was still ongoing in 2008.

For the West Bank and the Gaza Strip, the relevant Palestinian laws include the Palestinian Basic Law<sup>264</sup> and the Palestinian Child Law No. 7 (hereinafter Child Law), enacted respectively in 1993 and 2004. Regarding the juvenile justice system, two separate systems of legal rules and procedures from the Jordanian and the Egyptian administrations are currently in force in the West Bank and the Gaza Strip, respectively.<sup>265</sup> In East Jerusalem, the legal system is the same legal framework that applies to the whole territory of Israel.

#### *a. Special Situation: The Gaza Strip*

In a nutshell, the humanitarian situation in the Gaza Strip remains extremely difficult, even though in June 2010, following concerted international pressure, the Government of Israel announced a set of measures to ‘ease’ its illegal blockade of the territory.<sup>266</sup> So for instance, according to UN agencies, the Gaza Strip needs about 86,000 new housing units to accommodate past population growth and also to replace homes destroyed or damaged as a result of Israeli military operations. According to Amnesty International, this “would require the entry of over 670,000 truckloads of construction materials into Gaza in order to build these units. Since the ‘easing’ of the blockade only 715 truckloads of construction materials for all uses (not only housing) have entered Gaza per month on average, a mere 11% of pre-blockade levels. At this rate, it would take many decades to build the needed homes, while the unmet housing needs grow each day the blockade continues.”<sup>267</sup>

Among the many difficulties resulting from this situation is the schooling of children: there are not sufficient schools in the Gaza Strip. Containers are sometimes used as classrooms.<sup>268</sup> Furthermore, Gaza’s children live under constant psychological pressure in the form of ongoing Israeli military attacks, or the fear of an invasion. The



unemployment level is so high due to the blockade that parents cannot support their families and many children live under the poverty level.

b. *Special Situation: The West Bank*

Following the 1993 Oslo accords, the West Bank was divided into three administrative divisions, Areas ‘A’, ‘B’ and ‘C’.

Area ‘A’ is under the administrative control of the PA and is mainly comprised of Palestinian towns. Area ‘B’, which falls under Israeli military control and Palestinian civil control, mainly includes populated rural areas that are close to Palestinian cities. Area ‘C’ is under full Israeli military and administrative control and contains all Israeli settlements, roads used to access those settlements, military zones, strategic areas, water reservoirs, and almost all of the Jordan Valley.<sup>269</sup> Approximately 150,000 Palestinians live in Area ‘C’ of the West Bank. Areas ‘A’ and ‘B’ are themselves divided into 227 separate areas (199 of which are smaller than two square kilometres) that are separated from one another by Israeli military checkpoints and barriers.

Next to these three areas, Israel has created so-called ‘seam zones’ that are not stipulated for in the Oslo accords. They compromise 9.4% of West Bank land and are

areas located between the Wall and the Green Line (most of which is a closed military area). These ‘seam zones’ are located within Area ‘C’ and it is estimated that around 50,000 Palestinians live ‘locked’ in these zones.<sup>271</sup> Every child on his or her 16th birthday has to apply for a permanent resident status in order to continue living there. All residents have to pass through checkpoints in the Wall to access schools, hospitals, shops, and their workplaces in the rest of the West Bank. Non-residents need a visitor’s permit issued by the Israeli authorities to enter these zones.<sup>272</sup> Since the legal framework/practices applicable in these zones are identical to the rest of Area ‘C’, they will not be discussed separately.

Israel applies two separate legal systems, rules, and regulations, particularly in Areas ‘B’ and ‘C’ of the West Bank: Israeli law for Israeli settlers, and a system of military orders for Palestinians. In addition, there is a two-tiered road system in the West Bank, whereby Israeli citizens travel on the main arteries, and Palestinian traffic is diverted by physical obstacles and military orders to secondary roads, including separate public transportation systems with different routes and separate marking of Israeli and West Bank cars with two different sets of license plates. Furthermore, Israeli building and planning laws and policies place the control for most land areas in Area ‘C’ in the control of Israeli Jewish settlers or the Israeli army. Those laws and practices have amounted to the prohibition of

WEST BANK AREA	CONTROL (AS STIPULATED IN THE OSLO ACCORDS)	LAND IN PERCENT	PALESTINIAN POPULATION IN PERCENT
‘A’	Palestinian	15%	55%
‘B’	Israeli/Palestinian	25%	39%
‘C’	Israeli	60%	6% <sup>270</sup>

Palestinian building on 70% of Area 'C' and lead to the de-facto confiscation of more than 60% of Palestinian private and communal lands, as well as natural resources in these areas.<sup>273</sup> Additionally, blocked economic and social development in Area 'C' in particular has led to food insecurity of 79% of the herding population and stunting of 28% of children.<sup>274</sup> In order to give a complete overview of applicable laws and policies, the system of Israeli military orders will be discussed separately in the last section of this sub-chapter.

### *c. Palestinian Laws and Referral System*

Palestinian laws enacted by the PLC concerning the protection of children include the Child Law, the Disability Law, the Labour Law and draft legislations, such as the Penal Code and the Juvenile Justice bill. Moreover, in issues of children custody, inheritance, birth registration, adoption and orphanage, the Palestinian Family Law, which is divided into Christian and Islamic law and judiciary, applies. Palestinian religious courts follow their own legal principles and operate independently from the government.<sup>275</sup> According to a lawyer at DCI-Palestine, the independence of these courts from the PA and legal statutes (such as the Palestinian Child Law) hinders the promotion of children's rights.<sup>276</sup> Nevertheless, Chief Islamic Justice Tamini advised all Islamic judges to take the Child Law into account when addressing children's rights.<sup>277</sup>

Another system that operates independently from the PA is known as *sulab*<sup>278</sup>, which is a traditional forum for conciliation and deals usually with matters concerning children, where elders work to resolve conflicts between families. However, along with the suspension of the PLC, this forum has been frozen.

## **Palestinian Child Law**

In 2004, the Palestinian Child Law<sup>279</sup> was adopted, incorporating the CRC and offering protection against physical, sexual, and psychological abuse and neglect, as well as providing for orphaned, separated, and unaccompanied children.<sup>280</sup>

Moreover, the Palestinian Child Law states that in order to protect children: 1) they can be put under social surveillance within their natural environment; 2) children are bound to certain obligations, such as vocational, educational, physical or social training courses; and 3) children can be sent to a competent rehabilitation institution.<sup>281</sup> The Palestinian Child Law has three chapters on child protection, namely: the right to protection (Chapter VIII), protection mechanisms (Chapter IX) and protection measures (Chapter X).

Furthermore, the Child Law created the Protection of Childhood Department (PoCD) in the MoSA.<sup>282</sup> The PoCD employs social workers (called 'protection officers'), who are responsible for the protection of all Palestinian children. These protection officers have the power to take a number of measures, the most important ones being:

Article (51) Giving the Counsellors the status of Judicial Officer:

The child protection officers have the status of judicial officers in the application of the provisions of this law[...]

Article (52) Preventive and Therapeutic Intervention Task:



The child protection officer is entrusted with the task of preventive and therapeutic intervention in all cases that threaten the safety or the physical or mental health of the child[...]

#### Article (56) The Child Protection Officers Powers:

[...]A. To summon the child and the caretaker to listen to their statements and responses on the reported incidents.

B. To enter, alone or with help, where the child is, showing an ID card, and to obtain an urgent warrant using public force if it is necessary for entering.

C. To conduct investigations and to take the appropriate preventive measures in regards to the child.

It is punishable by a fine of maximum five hundred Jordanian Dinars and minimum two hundred Jordanian Dinars, or their equivalent in the local currency, whoever prevents the child protection officer from carrying out his/her duties or impedes the progress of the investigations, like giving false information or intentionally hiding the truth about the status of the child, and that is without prejudice to the penalties set forth in the Penal Code for crimes of assault against a public employee while in service.

#### Article (65) Taking Measures in Cases of Imminent Danger:

An imminent danger is any act that threatens the child's life, safety, or physical or mental health with a permanent effect.

In cases of imminent danger, the child protection officer can act before obtaining a judicial warrant and remove the child from the place where he/she is,

even by force or constraint, and place him/her in a safe place and under the protection officer's own personal responsibility, taking into account the sanctity of the habited places.

The child protection officer cannot keep on applying the measures taken in the cases of imminent danger without obtaining an urgent warrant issued by a juvenile judge within 24 hours.

To summarize, a protection officer might remove a child from his/her family if the child's well-being or safety is at risk.

The child protection officer must, however, consult with a judge in order to request the authorization to do so.<sup>283</sup> Only in cases when there is a perceived imminent threat to the child may that child be immediately moved to a safe environment.<sup>284</sup> After 24 hours, the judge must issue a warrant or the child is returned to his/her family.<sup>285</sup>

The MoSA Child Protection Guidelines list three conditions that have to be fulfilled before the child can be placed in a social care institution:

- ▶ The child is deprived of family care;
- ▶ The Ministry issues a decision for his/her entry into social care, and
- ▶ The institution's acceptance committee accepts the child after a study of his/her situation based on a social report.<sup>286</sup>

Article 40 of the Guidelines states that a child may be institutionalized only if he/she has lost one or both parents, and has no alternative foster family.<sup>287</sup> Therefore, the protection system is designed only for extreme cases of neglect or abuse and if no other family member can care

for the child.<sup>288</sup> There are currently 26 protection officers serving the West Bank and Gaza.<sup>289</sup>

The Child Protection Law was amended in 2008 to establish certain standards and bylaws for several key actors exercising the child protection mandate. Amendments include a detailed account of the responsibilities of the ministries involved.<sup>290</sup> These amendments however, are awaiting signature by the President before they can be passed into law.

## Child Labourers

The case of child labourers is regulated by the Ministry of Labour plus specific sections of the Palestinian Labour Law and Child Law. A study by the Palestinian Central Bureau of Statistics from 2004 documented 22,570 child labourers, representing 1.7% of children in Palestine.<sup>291</sup> Article 95 of the Labour Law forbids children from working in “dangerous or harmful industries, designated by the Minister”. This article has been clarified by Decision No. 1 of the Minister of Labour from 2004, which specifies in detail what types of industrial work are forbidden.<sup>292</sup> Additionally, Article 432 of the Palestinian Draft Penal Code 2010 prohibits hard child labour and Article 416 prohibits using children as beggars. Furthermore, Article 27 of the Child Law prohibits the employment of children under the age of 15.<sup>293</sup>

## Child Protection Network

In 2006, MoSA established a CPN that is an important legal framework. It was created through civil society efforts to create a unified response system to child protection issues. It includes several ministries, NGOs, CBOs, the Attorney General, the Palestinian Red Crescent and UNICEF. With the supervision and financial support

of UNICEF, five pilot referral systems or CPNs were launched. Combining the activities of all actors, these systems are pointing towards the formation of local technical units consisting of protection officers, medical personnel, lawyers and other representatives of key NGOs and CBOs to ensure a multi-disciplinary response to cases of violence against children, including cases of abuse, neglect and exploitation. Initially, two of the CPNs (in Hebron and Bethlehem) were established and led by DCI-Palestine supported by Save the Children Sweden, while three networks based in Ramallah, Jenin, and Gaza were the responsibility of MoSA.

This pilot project resulted in the establishment of a CPN covering the entire West Bank. According to a draft, “Protocol on the Child Care and Protection Referral and Networking System”, project objectives are to create an organized system of services in complete coordination with governmental and civil institutions working for the care and protection of abused and neglected children and children exposed to all forms of violence; to ensure the provision of the best possible services to all partners and local communities and to work for the best interest of the child; and to provide care and protection for children by establishing a MoSA-led networking and referral system as well as a system for local supervision.<sup>294</sup>

UNICEF reports that after Israel’s “Operation Cast Lead” (2008-2009) several steps were identified to reactivate the CPN in Gaza. First, a household survey was conducted using a questionnaire on protection issues identified by child protection groups in Gaza. Second, FGD and a comprehensive mapping of services were used to assess the capacity of NGOs/CBOs in providing child protection services.<sup>295</sup>

This referral system operates, as explained, at the governmental level between MoSA and a number of non-gov-

ernmental and charitable organisations in the West Bank and the Gaza Strip. They provide services for children without family care, children of poor families, and victims of abuse and neglect (mainly residents of boarding schools and orphanages) and victims of drug abuse. The referral network is led by a steering committee that has as its main tasks the supervision of referral and networking procedures and the selection of field technical committee members. The main duties of the field technical committee are organizing workshops with all parties to examine and establish each group's roles and responsibilities in the system; developing and agreeing on stipulations for professional practice; holding training workshops as needed; and preparing periodical reports. The long-term goal is

to build a national system of referral, networking, and follow-up that operates effectively.<sup>296</sup>

In the ideal situation, once a case has been referred to a child protection officer, the officer will undertake further investigation, interviewing the concerned child and family. If the allegations are verified, a 'case conference' is initiated with the 'core team', which will be created based on the specific needs of the case at hand. The core team could be composed of the police, social workers, teachers, counsellors, educators, physicians, the referring party and other partners as needed. This team will establish and supervise the intervention plan, which aims at correcting the children's rights violation.<sup>297</sup>

The referral form includes the following information:

## REFERRAL MODEL

### Referred by:

Name of professional..... Job.....  
 Name of institution .....  
 Address .....  
 Phone..... Fax .....E-Mail.....

☐ Abused

☐ Abuser

### Information about the child:

Name:.....  
 Gender.....(M).....(F).... Date of birth:.....  
 School.....class.....  
 Address.....  
 Accompanied by.....  
 How was the child referred to you?  
 .....  
 Date of first meeting/session.....

Number of sessions.....

**Information about family:**

No.	Name	Relationship	Date of Birth	Job	Notes

**Description of the abused child:**

The problem as the child sees it (Quoting the words of the child as much as possible).....

The problem as the family of the abused child sees it (but not the perpetrator).....

The problem as the professional sees it.....

There are, however, a number of gaps and weaknesses in the system. Most importantly, the required number of centres has not yet been established. Consequently, when children choose to voluntarily report violence, they do not find a functioning governmental referral system in most parts of the oPt. Additional shortcomings include the inadequate number of protection officers; a lack of a proper documentation procedure at MoSA; lack of prioritisation of preventive measures; and MoSA's unwillingness to enhance the cooperation with other relevant governmental and non-governmental stakeholders—which previously led to the stalling of the network for nearly two years (2007-2008).<sup>271</sup>

According to data collected from interviews with lawyers and field workers, the system is not fully operational and remains lacking. After years of development, the referral system in child protection still needs to be formalized and must include a mandatory, accurate recording and reporting system, as well as a centralised information system.

According to all interviewed stakeholders, the development of this referral system depends to a certain degree on the interest and willingness of the Minister of MoSA at any given time.

A study from 2006 identified one of the major shortcomings in child protection as the low number of institutions referring or reporting cases of children's rights violations. Less than half of the institutions working in child protection actually report cases. The highest rate of reporting is done by organisations and institutions that deal with children in Israeli detention (46%) and the lowest by organisations working with victims of poverty (33%). Additionally, only 66% of those cases are reported to MoSA.<sup>272</sup> This study could have been the reason why the CPN was established. Unfortunately, no newer study was carried out to research the success of the CPN in this regard. However, it is understood from the various interviews conducted in the context of this study that the CPN is currently focused on strengthening services among the various

“The Child Law is too general and lacks key provisions establishing the legal accountability of various stakeholders, including governmental stakeholders such as the MoI, the MoEHE or the MoH.”

.....

office within MoSA for ensuring that children should not be exposed to violence in public or private domains. This office is also responsible for overseeing the care of children who have been exposed to violence. The Child Law places the responsibility on MoSA to establish institutions, called protection centres, where protection officers can refer children in case of emergency. These centres are to be established in order to provide these children with the necessary protection and social support.<sup>274</sup> Moreover, the Child Law states that children of unknown parentage, children in orphanages and children living on the streets should be put in foster homes or professional institutions.

In terms of shortcomings, the Child Law is too general and lacks key provisions establishing the legal accountability of various stakeholders, including governmental stakeholders such as the MoI, the MoEHE or the Ministry of Health (MoH).<sup>275</sup> At the policy level—with the exception of MoSA’s systematic Guidelines for Child Care—there is no formal policy that identifies internal duties and responsibilities, nor an external inter-ministerial agreement on establishing collective cooperation.<sup>276</sup> Additionally, as

network actors in order to ensure a harmonized referral system using a definitive protocol.

The legal framework on child protection explicitly states that it is the responsibility of all citizens to inform a child protection officer if they suspect a case of violence or abuse against a child.<sup>273</sup> The Child Law furthermore names the Childhood Protection Department as the specific

previously explained, the current referral system cannot close the gaps of the Child Law since it still needs development.

d. *Authorities Relevant to the Protection of Children*

## Children Vulnerable to Violence in their Homes and Communities

*Gaza Strip and West Bank excluding East Jerusalem*

UNICEF estimates that one-fifth of children in the oPt suffer from domestic violence.<sup>277</sup> According to a 2004 study, over half of parents and teachers use physical violence as a means of punishment. Such violence is frequently part of a larger cycle of violence. In 2006, for example, half of the mothers who were surveyed by the Palestinian Central Bureau of Statistics reported that their children (ages 5-17) had suffered exposure to domestic violence.<sup>278</sup> Additionally, a 2010 survey illustrated that 76.1% of the surveyed children and 86.2% of the surveyed parents said that there is violence against children aged 10-17 in their community.<sup>279</sup>

As stated by the Child Law, MoSA is the primary actor responsible for implementing and supervising all child protection mechanisms. In this light, MoSA defines its role as stipulated in Article 26 of the Draft Social Affairs Law: “MoSA shall [...] protect children from violence, harm, neglect, exploitation or trafficking, and prevent them from being subjected to physical, sexual or other harassment or abuse.” Thus, MoSA, with its focal points of the Childhood Protection Department and child protection officers, is the major stakeholder in protecting children’s rights in the oPt.



## Child Protection Officer

The child protection officers are the most important resources for child protection in the oPt. They are indispensable for all other institutions and social workers, counsellors, and NGO employees working in the field. As previously mentioned, child protection officers have the status of a judicial officer and their mandate or jurisdiction includes investigating child rights violations, obtaining an urgent warrant using public force, and taking all appropriate preventive measures. Additionally, they can authorize the institutionalization of a child as stipulated in the Palestinian Child law. In interviews, protection officers said their mandate was to prevent children from becoming victims of physical or psychological violence, abuse, exploitation, or neglect. They also described their work as providing legal protection and thereby creating a ‘child friendly’ (safe) environment, and as fostering, supporting, and enhancing the rehabilitation of children and their families (from a child-centred perspective). One officer pointed out that children are half of Palestinian society and by creating a ‘rights-based’ approach, not only children but the entire society benefits. Everyone interviewed agreed that the CPN is the only successful programme or tool for enhancing child protection in the oPt. Its only shortcoming is that it is not functioning in all districts. The protection officers identified key concerns: violence within the family, family separation, neglected children, and exploitation. As main perpetrators, they identified: the child’s family, classmates, the Israeli authorities and Israeli/Jewish settlers—especially in cases where the school or the home of the child is close to an Israeli settlement.

Most cases are submitted to protection officers by family members or friends of the child, or by a member of the CPN. Almost no cases have been submitted by teachers or school counsellors. The mechanism on how they proceed in the case of a known children’s rights violation

depends on the severity of the case and the immediate threat to the child’s health or life. In all cases, the first step is a psychological and medical check-up of the child. If a rapid intervention is needed, the child will immediately be transmitted to an organisation or a protection centre. Afterwards, a counselling process (intervention plan) begins including the child and his/her family and continuing with the aim of re-integrating the child back into his/her usual environment and creating a follow-up plan. During the whole process, the protection officer continues meeting with the child in order to create a feeling or atmosphere of security and support. Finally, a case report is written and submitted to MoSA.

In all cases, the CPN can be activated through a case conference and requests for help and recommendations from several protection partners. If a partner organisation were better equipped or skilled to deal with the circumstances of a particular case, then that NGO would take the lead in supporting the child. Furthermore, in severe cases the police would be contacted and a complaint possibly filed against the perpetrator. If the child is in conflict with the law, the case would be referred to a probation officer (discussed in the next section).

It is interesting to note that when asked who else is involved in child protection, protection officers could only name the CPN and the police. This response clearly indicates that, except for the two entities identified, no cooperation is taking place.

A major problem is the fact that there are only two protection officers in each district. For example, the district of Tulkarem consists of almost 200,000 children, which means that every officer has to supervise or oversee almost 100,000 children—an impossible task, particularly with follow-up or repeat individual sessions. Addition-

ally, most officers said that they are on call 24 hours a day, resulting in fatigue or lack of concentration.

Another problem is that there is no supervision or proper evaluation of the performance of these protection officers (only the submission of a case report). Without sufficient monitoring of their work performance or adequate support, the success or failure of their work depends heavily on their individual skills and talents.

Moreover, as all of the officers interviewed pointed out, many Palestinians consider physical violence as a parent's prerogative in discipline. Many do not regard physical punishment as a violation of children's rights, or even a punishable crime. Nevertheless, all interviewed officers stated that any kind of physical punishment is prohibited, and that they are working towards raising awareness on this issue among the oPt population.

An additional challenge for protection officers is that the ministry does not reimburse additional expenses such as use of a cell phone or transportation that are crucially important for them to perform their duties. All protection officers interviewed identified the larger problem that no specific budget is allocated for their work.

First, to address these shortcomings, there must be full implementation of the Palestinian Child Law, including obliging all courts and judges (especially within the Christian and Muslim family courts) to take it into account when ruling on children's rights violations. Second, it is important to defend those working and protecting children, that is to offer sufficient protection for protection officers since they are themselves vulnerable to threats and attacks by parents and family members. Third, protection officers need financial support so that they can perform their duties properly. Fourth, MoSA should allocate more staff members to the Childhood Protection

Department by creating protection officer units or by scaling down the districts (mandate fields) of the protection officers. Fifth, more child care centres should be established and transportation and communication expenses budgeted, alongside the creation of an emergency fund that would enable the Childhood Protection Department to react immediately to any protection crisis.<sup>280</sup>

The Childhood Protection Department within the Ministry works in conjunction with MoI and MoEHE to build a protective environment for children in the oPt. Therefore, next to MoSA, MoEHE and MoI are the most important ministerial stakeholders.

#### Ministry of Interior (Specialized Police Units)

The MoI, which oversees the police, established a child and family unit in 2007 in Bethlehem and Hebron and a juvenile police unit in 2011 as a pilot project in four governorates. Since the programme is still new, police officers were re-assigned from other duties to serve in the police family unit. Currently, the headquarters are in Bethlehem. The programme is supported by the European Union and UNICEF. In Bethlehem (the first of the two family units) four police officers were hired and received special training in issues of social work and women/children protection. They receive additional training every two months.

In addition to the police unit, the juvenile pilot programme was launched in Hebron, Nablus, Qalqilia and Ramallah, where four police officers serve in each district. The difference between these units is that the former was launched to deal exclusively with cases of children protection, while the latter deals with questions of juvenile justice. Nevertheless, based on conducted interviews, both unit types handle similar cases.<sup>281</sup> Further, the interviews show that most cases of child protection surround the re-

sults of parents' divorce, poverty, and detentions in Israeli prisons.

The work shift for all of these officers is three days, for 24 hours in a row, and then one day off. In Ramallah, for instance, officers deal with five to ten cases in a month. When a children's rights violation is referred to them, they first start investigating by visiting the site of the allegations, and question suspects and witnesses or neighbours and family members. If enough evidence is found, the case will be referred to the public prosecutor who will work independently from the police family unit or the juvenile unit.

If the problem lies within the immediate family of the child, however, and the child is therefore unable return safely to his/her home, the police officer will inform the child protection officer and they will cooperate to find a solution to the problem. The protection officer will deal with the social matters of the case, like visiting the family of the child, while the police officer will work on the legal implications of the case. In severe cases, the child will be sent to one of the child protection centres.

The major shortcomings in the work of these police units include the absence of a database, which means no existing documentation or records of cases, perpetrators, or victims. Another shortcoming is the limited number of staff members; with four police officers handling all cases within their mandate area, the officers easily become over-extended and stressed. An additional weakness that became apparent in the interviews is that police officers working in these units still hold personal views that consider physical punishment an acceptable way to raise children. This means that they will not investigate cases of violent discipline of children as long as the child is not seriously harmed.

Lastly, a severe limitation is the shortage of child protection centres where children could be placed to protect them from violence within their families. As a result, protection units seek out extended family members who are able and willing to take care of the child at risk. One police officer explained that once he took a child to his own home for a few days because he could not locate any of the child's extended family members. This was illegal, however, and his supervisor ordered him not to do it again.<sup>282</sup> The example shows that urgent steps should be taken to expand the current child care centres or build new ones.

#### Ministry of Education and Higher Education (School Counsellors)

The MoEHE is currently operating on the second Education Development Strategic Plan from 2008-2012. The central focus of this plan is "the promotion of quality education in all educational institutions within Palestine [that is better linked] to the socioeconomic developmental needs of society and the labour market, particularly in the area of higher education, technical and vocational education and training."<sup>283</sup>

The MoEHE has no written policies on child protection issues.<sup>284</sup> However, a 1996 document on disciplinary measures calls for the avoidance of physical punishment. This prohibition was underscored in a letter written by the Minister to school directors and teachers:

In this letter, I call for strengthening attention to this order, in which you are accountable for a commitment not to use beating and physical violence and psychological violence, and that the schools will be free from any form of violence and any application of violence...<sup>285</sup>

During 2010, the MoEHE started the implementation of a project on ‘school discipline’ in the eastern part of the Gaza Strip. The purpose of this project is to provide a safe school environment and to ensure a general framework of rights and duties within schools. It involves the participation of all stakeholders in a discussion of draft policies. A school discipline manual of the policies will be issued and used to train school staff. The project started in 20 schools and was expanded to all governmental schools and 46 private schools.<sup>286</sup>

There are, however, no written disciplinary procedures for teachers or administrators who perpetrate violence against children. There are no formal written referral channels between the MoEHE and MoSA. The MoEHE relies on its school counsellors to address cases of abuse, yet the counsellors do not have written policies for addressing such cases. In the absence of written policies, methods of working are developed during training sessions; these rely on basic principles rather than specific procedures or policies.<sup>287</sup> (It is important to note that only 65% of MoEHE schools are staffed with school counsellors at all.) The only document that provides some guidance about protection from violence in schools is the MoEHE handbook for school counsellors and teachers from 2010. The handbook divides child rights violations into two categories: psychological problems like depression, trauma, and anxiety and social problems such as physical abuse, emotional abuse, verbal abuse, sexual abuse, and child labour. Each of these is specifically dealt with in this handbook, which is structured as following: 1) definition of the problem; 2) symptoms (physical and behavioural); and 3) intervention (by teacher, school counsellor, and referral).

The example of physical abuse shows how the handbook will be applied. First, physical abuse is defined as “physical harm imposed upon the child either by one of or both his parents, or his relatives, or any other grown-up.” The

handbook continues by listing the direct symptoms of such abuse, such as bruises in unusual places on the body, wounds, face swelling, and bite marks. Then the handbook offers a list of indirect or behavioural symptoms such as self-isolation, anxiety when the child is in the presence of his/her parents, or fear when hearing other children cry. The handbook then divides possible intervention methods at the school level into two categories. The first category includes intervention methods for the teacher, including noticing the evidence of the physical abuse; recognizing the problems that the child is facing; offering support and encouragement; and proposing ways to protect him/her. The second category is for intervention by school counsellors, who are provided methods such as defining the size of the problem; working with parents to prevent the abuse; working directly with the student; and including the child in extra-curricular activities. Lastly, the handbook states when, why, and to whom there should be a referral procedure. It is notable that the child protection officer is not listed as referral point. None of the interviewed school counsellors mentioned this handbook when asked about resources; either they do not know about it, or they do not consider it to be a useful source of information.

### School Counsellor

School counsellors are key resources in protection of children’s rights in schools. The counsellors function partly as liaison officers between teachers and principals, on one hand, and children, on the other, as well as offering children support and informing the child protection officer when rights are violated.

According to several interviews<sup>288</sup>, school counsellors in the West Bank define their responsibility as protecting children from all kinds of abuses and violence—whether verbal, physical or psychological—in order to guarantee a normal life and natural development for children. One

**“As a first step, counsellors inform the principal and interview the child, collecting information and building trust; all of this is conducted confidentially. In complicated and serious cases, they submit a report to MoEHE.”**

.....

main perpetrators of violence toward children as teachers, classmates, the Israeli authorities (in cases of house demolitions and arrests of either the child or his/her relatives), and lastly, family members.

Counsellors mainly try to react to these concerns by raising pupils' awareness and educating them about their rights. Protection mechanisms they identified were: sessions to raise awareness, individual counselling sessions, and relocation of the child. As a first step, they inform the principal and interview the child, collecting information and building trust; all of this is conducted confidentially. In complicated and serious cases, they submit a report to MoEHE. Sometimes, but very rarely, they conduct home visits to discuss the problem with the child's parents. When asked specifically, however, interviewees said that they had never relocated a child, and rarely held individual counselling sessions. As a result, their tasks are limited more or less to awareness-raising, which means that in practice, responding to actual child rights violations is not a high priority. MoEHE dictates that every case has to be

interviewee even stated that protection should be integrated with the family, society, and school, with a concentration on programmes that raise awareness rather than simply reacting to abuses. Counsellors mainly carry out group counselling sessions, awareness-raising initiatives, and school advisory activities. As key concerns, they identify violence between children/classmates and negligence by the children's parents. They identify the

reported within the first 24 hours, but most counsellors refrain from doing so. To explain why, the counsellors said they feared retaliation from the child's family for exposing their child's 'problem'. Counsellors also expressed fear of being labelled a whistle-blower, which would result in the loss of trust between the counsellor and children, who want to share information in confidence. Another reason not to report had to do with resistance from the school administration in cases where teachers are the perpetrators. Only one interviewed school counsellor had reported a case to the child protection officer, thus identifying that counsellor as the *de facto* focal point for dealing with all issues related to child protection.

Among the major obstacles to performing their duties properly, counsellors identified a hierarchy that requires them to inform the school principal and often even the parents before they are able to act. Traditions and customs are also an obstacle, as they typically dictate that certain child 'problems' not be discussed. Another obstacle counsellors identified is that their budget is limited to advisory tasks, with no specific budget for counselling. (They are required to acquire financial means from the stationery budget—and only if it has sufficient funds.) It is clear that their work should be allocated an explicit budget that would allow them to fulfil their responsibilities and duties. Another obstacle is an unreasonably heavy workload. Every counsellor has to supervise an average of more than 500 children, which makes intensive counselling sessions or family visits impossible.

To resolve these issues, the interviewees concluded that counsellors need protection, in particular when reporting a serious case. They also would like to have clearer laws and a specific mandate regarding all rights and responsibilities.





As a positive point, it was noted that counsellors receive periodic training and workshops, mainly organized by NGOs operating in that sector. For example, one counsellor received a specialized course in psychological counselling at the YMCA in Beit Sahour in January 2011. Other recent training sessions were on sexual exploitation and drug abuse.

### Special Institution (Child Protection Centre)

As illustrated above, children in need of protection from immediate and serious danger should have access to operational child care centres where they can stay when parents/families are unwilling or unable to offer them sufficient protection (mainly in cases where the perpetrator is a family member). In 2001, five centres were available. A year later, however, MoSA closed most of them due to serious mismanagement. Currently there is only one such centre and two that are used as such. One centre for girls was built in Jenin, but is not operational.

Girls Home Care Centre is a shelter managed by MoSA, located in Bethlehem and accepting girls, 12-18 years old. It was originally established to serve female children in conflict with the law. However, due to the lack of female children care centres, it might receive cases of abused or neglected girls and serves thereby as a protection care centre.

The Safe Home and the Association for the Defence of the Family are located in Beit Sahour and Jericho, respectively. These shelters were originally intended solely for abused women, not children. However, they receive young children (under 11 years) who accompany their mothers. In addition, they receive abused girls due to the lack of children protection centres.

The Centre for Child Protection is a shelter located in Beitunia (Ramallah). It is the only dedicated child protection centre—not a centre for children/adults that mainly serves those in conflict with the law. It receives cases of male children (ages 6-17) who are victims of violence, abuse, and neglect. It opened in 2003 and operates under the supervision of MoSA. The centre's policy document ("Internal System for the Child Protection Centre - Beitunia") addresses the institution's goals, the basic principles by which it operates, its procedures, and the general legal framework (rights and responsibilities). Because it is the only government-run child protection institution, its internal policies are extremely important as a national model.

According to the policy document:

- ▶ The goal of the existence of the child protection centre is to provide homeless children, street children, and children who are exposed to any type of violence, abuse, or exploitation with safe shelter, protection, social care, and psychosocial and educational care, as well as work towards a solution to the child's problems and his return to his family.
- ▶ A child's residence in the centre is limited to six months, except in exceptional cases determined by MoSA. The document also lists the children eligible for the centre's services: those exposed to neglect; homeless children; children exposed to abuse; children exposed to any practice involving cruelty; children exposed to sexual assault or sexual abuse; children exposed to physical assault; children exposed to economic exploitation; and children whose parents prevent them from being educated.
- ▶ Typically the centre accepts males as young as six and no older than 16. In extraordinary situations, 15- to 17-year-old children are accepted based on a

recommendation by the child protection officer. Cases can be referred to this institution by a protection officer, directorates of social affairs, directorates of the police, and specialized institutions that are related to the goals of the centre. It is important to note that currently there is no specialized directorate of the police concerning the well-being of children.<sup>289</sup>

Article 57 of MoSA's Systematic Guidelines for Child Care (2004) says child protection centres provide:

Intervention for protection and treatment in all difficult situations that may threaten the well-being of the child, physically or bodily; study of the situation of children deprived of care to clarify the instruments of intervention for treatment; adoption of the role of raising consciousness, directing and guiding the family and the child deprived of protection; treatment for any child arriving at the protection centre or for any case about which a person qualified in social work has alerted the centre.

According to Article 60 of the Guidelines, "the situation of the child and his family must be followed up periodically in order to make a decision about continuing the procedures and instructions that were taken, or altering them in accordance with the new realities". Article 63 outlines that care centres must provide health and psychosocial care, as well as educational, cultural, spiritual, sports, and vocational activities. It also states that the centre must work with the child's family.<sup>290</sup>

Due to the lack of shelters for girls, in very exceptional cases, girls are received in the centre. Their stay, however, is limited to only one night and they must be accompanied by a female police officer dressed in civilian clothes. According to the director of the institute, proposals have

been passed for building an additional floor that will be used for housing girls over longer periods of time.<sup>291</sup>

In March 2011, three children were admitted to the centre, two because of neglect and one who was homeless. Eight employees work at this care centre and are able to supervise a maximum of nine children. Normally, as explained by the director, a child protection officer (from any West Bank district) sends a child to the centre along with the case report. After the child arrives at the institution, the regulations and rules are explained to him, and he is given essentials like the meal schedule, soap, and a washcloth. Then the child is introduced to the facilities and the chore schedule, such as when to help in the kitchen.

The child receives counselling sessions, and is sent to school or receives private tutoring (only in extreme cases) and enjoys sufficient play time and relaxation. The centre's aim is to re-integrate the child into his family. Therefore, the child protection officer also provides counselling sessions for the child's family. The minimum stay for a child is two weeks. Over a 12-month period, not more than 30 to 50 cases are submitted to the care centre. These numbers do not necessarily reflect the actual number of children in need of this type of intervention, and are likely limited by the system's inability to provide proper shelter for more children. Furthermore, parents usually oppose the protection officer's placement decision, and some parents try to circumvent such action. If, after a maximum of one year, no solution is found, the child will be sent to an alternative care institution like the non-governmental SOS Children's Villages. (All alternative care institutions operate outside the MoSA framework.) Over the last five years, an average of nearly 1,500 children per year were living in such institutions and shelters across the oPt.<sup>292</sup> Currently there are 23 institutions and charity organisations in the West Bank, East Jerusalem, and Gaza that provide shelter for orphaned children or children with family problems.<sup>293</sup>

Among the identified shortcomings of the centre were its limited space, and the problem of monitoring and follow-up. After a child leaves the care centre, very limited follow-up takes place. In some cases, the protection officer visits the child and family one time. Often, however, there is no follow-up at all. The counselling process cannot be considered complete when no one can be certain that the child or family will not experience a relapse. Additionally, more training and workshops are needed for all stakeholders operating inside or outside the institution. The need for a database was also mentioned, as well as specific guidelines and regulations on how to proceed in all cases of children's rights violations and protection measures. Another suggestion was to replace social workers and child protection institution employees every five years in order to guarantee fresh and motivated workers.<sup>294</sup>

### *East Jerusalem*

Protection of Palestinian children in East Jerusalem is regulated by a different framework than in the rest of the oPt. Given the illegal annexation and full administrative control by the State of Israel in 1967, the domestic legal framework is similar to that which applies to the whole territory of Israel.

### UNRWA

Today, more than 30% of the Palestinian inhabitants of East Jerusalem are refugees, of which 11,000 live in Shu'fat Refugee Camp—the only refugee camp within Jerusalem.<sup>295</sup> The camp was established in 1965, more than a decade after all other official UNRWA camps in the West Bank, on 0.2 square kilometres just north of Jerusalem. Shu'fat was established after the Mascar Refugee Camp in Jerusalem's Old City was closed due to unsanitary conditions. The camp maintains four schools including two private ones, one UNRWA health centre, one physiother-

apy centre as well as one community-based rehabilitation centre.<sup>296</sup>

### Israeli laws, policies and practices

Since 1967, Palestinians in East Jerusalem hold the status of permanent residents, but not citizens of the State of Israel. As such, they are required to pay taxes and are 'legally' entitled to all rights and services that are provided to (Arab) Israeli citizens, except for the right to vote in the Israeli general elections.

The Israeli MoSA is the body responsible for the protection of children through the establishment of social welfare chambers and the allocation of social workers in charge of monitoring and following up on cases of domestic violence, community violence, abuse, and neglect suffered by children. In 2008, three chambers and 49 social workers were active in the East Jerusalem area. In addition, police stations have set up juvenile departments with specialized staff trained to deal with children.

According to one study, "The (Israeli) state maintains an extensive system of laws designed to protect children's rights. It is a signatory to numerous international conventions and provides many health and welfare services to children. Special protections apply in the areas of child labour and sexual exploitation. Children enjoy a different treatment in the juvenile justice system than adults do in the regular justice system. The age of majority in Israel is eighteen. So for example the principal law dealing with the employment of minors is the Youth Employment Law 1953 which prohibits the employment of a minor who is under the age of fifteen or the Care and Supervision Law 5720-1960 which states that Children under the age of twelve are not criminally liable. Therefore, it can be said that Israel maintains a comprehensive system of laws protecting children's rights".<sup>297</sup>



Despite the system established to protect children, in the past four decades, the Israeli government has not allocated the resources necessary to develop East Jerusalem or ensure the protection of the city's Palestinian children. As a result, there is a severe shortage of public services and infrastructure in East Jerusalem, including health and education services, welfare services, postal services, water and sewage systems, and roads and sidewalks. In short, the municipality of Jerusalem discriminates against the Palestinian residents of East Jerusalem. Examples of this

discrimination include enforcing a building and planning policy based on ethnic background, preventing Palestinians from obtaining building permits, and ordering the demolition of Palestinian homes that the State of Israel has categorized as 'illegal'.<sup>298</sup>

Furthermore, Palestinian inhabitants of East Jerusalem complain of physical and verbal abuse by police, Jewish settlers and their security guards; the intimidation of their children; various forms of harassment (including vide-



otaping them in their homes); the barricading and closing-off of streets and public areas; and more. When they complain, they are treated with disdain and indifference. One human rights group reports that, “often, Palestinians lodging complaints themselves become suspects and criminal files are opened against them. Thus, it is evident that (Israeli) authorities, including the police, the Jerusalem Municipality, the Housing Ministry and others, have thoroughly failed in their role to provide protection and service to all the city’s residents, without discrimination. The results of this failure are catastrophic.”<sup>299</sup> In particular, the situation in the Shu’fat Refugee Camp is grim, as no formal law enforcement authority exists. The Palestinian police are not permitted into the camp, and the Israeli police has no presence there. The only authority is the Israeli army, which creates an atmosphere of insecurity and impunity. While the crime rate remains low, there has been an increase in drug use among youth.<sup>300</sup>

As in other parts of Israel, the Palestinian inhabitants of Jerusalem are underprivileged in comparison to their Israeli Jewish counterparts. According to the Israeli Ministry of Social Welfare, per capital government expenditure on social welfare is more than 30% lower for the Arab population.<sup>301</sup> “The gap is even wider among children: the budget per child in Arab local authorities is 52.1% lower than in Jewish local authorities. There is also a shortage of state-run daycare centres for Arab children in Israel: only 30 daycare centres cater to Arab children in the country, and as a result just 3.7% of Arab children under the age of four are enrolled in state-run daycare centres, compared to 16.3% of Jewish children in the same age group.”<sup>302</sup>

Based on these statistics, it is not surprising that Palestinian children in East Jerusalem do not enjoy a high level of protection and that they are just as vulnerable (if not more vulnerable) than their West Bank counterparts to violence, abuse, neglect, and exploitation in their homes

and communities—as well as from law enforcement officials, Israeli soldiers and armed settlers. The services provided by Israeli authorities are insufficient and inadequate. Moreover, the evidence shows that governmental law enforcers have a propensity to apply laws and policies in a discriminatory way towards Palestinian children as compared to Israeli (Jewish) children. It must also be noted that this situation is exacerbated by the fact that many Palestinians living in Jerusalem simply refuse to cooperate with the Israeli authorities since they refuse to validate the Occupying Power.<sup>303</sup>

Therefore, Israeli laws and policies do not guarantee the necessary protection for Palestinian (refugee) children. This reality raises an important question: Is the PA able to ensure the protection of Palestinian children in Jerusalem?

### Special Status: Schools

Following Israel’s illegal annexation of the eastern part of the city in 1967, the existing educational body, acting under the Jordanian authority (now the PA) in East Jerusalem, refused to accept either the Israeli curriculum or the Israeli authority. Accordingly, the education system split into two main educational administrations: that belonging to the Israeli municipality and that of non-governmental groups, including UNRWA and private schools. These supervising educational authorities work as distinct bodies.<sup>304</sup>

Today, 39 schools in Jerusalem are under the mandate of the PA and are therefore under the direction of the Palestinian MoEHE. When it comes to child protective mechanisms, these schools are regulated like schools in the West Bank; the focal point is the school counsellor. These school counsellors are employed by the Palestinian MoEHE and are subject to the same internal policies and regulations as their West Bank counterparts. They report that child protection—in the context of their



work—is defined as upholding and maintaining a suitable educational system and academic environment for the children and protecting students from violence or abuse caused by family members, Israeli authorities, teachers, or schoolmates. Furthermore, they report that their role is to educate students about their rights and obligations and to demonstrate how to demand these rights and protect themselves from exploitation.

Each school counsellor is responsible for 500 to 1000 students. With no budget allocated for them, they have to use any surplus from the stationery budget in order to fulfil their obligations as school counsellors. They work an average of 35 to 40 hours per week.<sup>305</sup>

Major problems faced by school children in Jerusalem include: exploitation, drugs, and violence between schoolmates. The main perpetrators were identified as family members and Israeli authorities—by way of creating an electrified atmosphere that puts psychological pressure on children. Counsellors reported that the main obstacle to performing their jobs adequately is Jerusalem’s geographic separation from the West Bank, as the Palestinian MoEHE cannot access schools in Jerusalem. On one hand, they do not want to cooperate with Israeli authorities, even though they must report cases of children abuses to these officials according to Israeli law. On the other hand, Palestinian child protection resources (such as social workers) in the West Bank cannot access affected children or their families. This situation has led to a level of apathy among the school counsellors. One counsellor even stated that she stopped reporting any cases to the MoSA or to the MoEHE because their hands are equally tied.

Occasionally, there is temporary protection due to the involvement of the school administration and/or involved teachers. This kind of sporadic intervention, however, is hardly an equivalent substitute for a functioning system.

Similar to the school counsellors of West Bank schools, these staff members do not have proper job descriptions. Nevertheless, they perform the following duties: raising the awareness of children during classes; conducting individual counselling sessions; and training staff members in individual meetings and sessions. Counsellors notify parents about a reported problem only if the child involved gives consent that this information be shared with his/her parents. After informing the parents, theoretically the children and parents will be directed to the appropriate institution. In practice, however, this does not occur in 99% of the cases because the only available institutions are Israeli, and counsellors as well as children and their families are reticent to collaborate with them. Furthermore, no reintegration mechanism exists because the Palestinian ministries have no mandate in Jerusalem to apply the instruments that are available (albeit limited) in the West Bank. Finally, a report is written by the counsellor and submitted to the Palestinian MoEHE without any follow-up or monitoring procedure. In general, there is no proper mechanism in place to address child protection for Palestinian school children in Jerusalem. The process depends heavily on the level of cooperation between the school administration, school staff, and the concerned family.<sup>306</sup> It is clear that counsellors in Jerusalem lack the mandate required to protect children from abuse, neglect or violence. In conclusion, the Palestinian authorities are unable—and the Israeli authorities unwilling—to protect Palestinian (refugee) children in Jerusalem from violence or abuse.

Among possible solutions to the many shortcomings of the system, the counsellors proposed the adoption of laws to strengthen and protect the status/mandate of school counsellors. They also recommended involving NGOs that can advocate for children’s rights at schools in order to coordinate a targeted response and implement a monitoring mechanism, rather than hoping that public

authorities will start functioning properly to meet these urgent needs.<sup>307</sup>

### Residency Rights

School counsellors working in Palestinian schools in Jerusalem report one of the major problems of their constituencies is the issue of residency rights. Palestinian residents of Jerusalem do not usually possess Israeli citizenship or a Palestinian identity card; they are registered as “permanent residents” of Jerusalem.<sup>308</sup> A child born in Jerusalem to an Israeli citizen or to two parents who are permanent

**“There are approximately 9,000 Palestinian children who do not possess either permanent resident status or the PA identity card due to such Israeli legislation.”**

..... residents receives an identity number at the hospital and is registered in the Population Registry.<sup>309</sup> For children born to parents of whom only one is a permanent resident and the other a holder of a Palestinian identity card, the procedure is different; an identity number is not provided at the hospital, and the parents must submit a request for family unification (a much more complicated procedure) rather than a request for child registration. The same applies to parents seeking to register children born outside of the State of Israel (i.e., in the oPt or abroad).<sup>310</sup> There are approximately 9,000 Palestinian children<sup>311</sup> who do not possess either permanent resident status or the PA identity card due to such Israeli legislation.<sup>312</sup>

Being unregistered means, for example, not being able to live in Jerusalem legally, resulting in the separation of the family (because the parent who holds a Palestinian ID is not able to live in Jerusalem, and the parent who

has permanent residency or even an Israeli ID is unable to live in the West Bank).<sup>313</sup> The Israeli MoI or the Civil Administration has the authority to grant exceptions to prevent the separation of a child under the age of twelve from his parent, but this exception requires that the other parent has a permit to stay in Israel. Insidiously, this same law prohibits the family unification process and states that permits to reside in Israel based on marriage will not be issued to residents of the oPt. Therefore, it is impossible for both parents to be present legally Israel or Jerusalem. As a result, the child will only be able to live with one of them.<sup>314</sup> Based on an interview with an unregistered child (a child having no ID, neither with Israel or with the PA) living in the West Bank, major problems continually arise as a result, including not being able to travel, not being allowed to receive a high school diploma, and above all, living in a state of uncertainty regarding residency.<sup>315</sup>

### **Children in Conflict with the Law under PA Jurisdiction**

#### *Gaza Strip and West Bank, Excluding East Jerusalem*

Several studies report that, not only are children victims of violence, but they also are violent towards one another. A 2005 study by the Torture Rehabilitation Centre surveyed 2,300 children ages 14 to 17 in the West Bank. A large number of respondents reported using violence against other children and family members. UNICEF also found that 51% of school children were also using physical violence against each other.<sup>316</sup>

Despite the voluntarily national endorsement of the CRC by the PA, the current juvenile justice system in the oPt neither legally nor socially ensures the core elements of a comprehensive policy on juvenile justice as identified by the CRC. Nevertheless, the Palestinian Child Law represents a first step towards establishing a culture that

condemns violence against children in accordance with international standards.

According to MoSA, at this writing there are approximately 2,000 cases of children in conflict with the law. There are 250 Palestinian children detained each year in Palestinian prisons.<sup>317</sup> In the majority of these cases, they are school children charged with theft or destruction of property.<sup>318</sup>

The political situation in the oPt has led to two separate systems of laws and regulations: one in the West Bank and one in the Gaza Strip. This *de jure* fragmentation leads to *de facto* discrimination, as the protection received by children in conflict with the law depends on their location. Additionally, the two sets of norms are sorely outdated concerning juvenile offenders' issues. The Child Law from 2004 does not tackle completely the substantial shortcomings in the two current legal systems in place. However, it does prohibit cruel treatment and outline the need to establish special procedures for dealing with children and the duty to treat children in a manner appropriate to their age—thereby expressing important principles of juvenile justice. Still, it does not address, for instance, the legal accountability of duty-bearers nor does it list detailed procedures for enforcement. These shortcomings are supposed to be rectified in the new draft Palestinian Child Law, which is still not in force (see above). Additionally, more details on juvenile justice are articulated in the proposed Juvenile Law.

Another legal issue is inconsistency within Palestinian legislation and regulations. For example, the Labour Law defines the age of a child at less than 15 and the MoEHE defines it at less than 16, leading to conflicting policies and programming.<sup>319</sup> These conflicts should be addressed.

Existing laws are not always enforced by actors in the criminal justice chain, which includes police, prosecutors, judges, and prison directors. For example, contrary to international law, juveniles are regularly detained in adult prisons. There have been recent efforts, however, at both the governmental and non-governmental level, to provide children in conflict with the law a suitable environment while serving their sentences.<sup>320</sup>

The three main ministries relevant for juvenile justice are MoSA, MoI, and MoJ, but these do not cooperate closely. All three ministries lack internal and inter-ministerial policies on juvenile justice. In addition, neither juvenile departments nor juvenile courts have been established within the police force and court system, except for the pilot police juvenile units. No juvenile judge has been appointed or other special measures applied. There are also no regulations on how to deal with children in the absence of staff specialized in juvenile justice.

It appears that no duty-bearer or stakeholder is systematically addressing the implementation of measures that prevent juvenile delinquency, nor prioritising such efforts. According to Article 61 of the MoSA Guidelines on Child Care, MoSA should play a central role in interventions for children through the establishment of probation officers and juvenile rehabilitation centres. In 2008, there were only 11 probation officers (one for each governorate) allocated by MoSA for the entire West Bank. In the Gaza Strip, there is only one probation officer for all five governorates. The small number of probation officers results from a lack of training and financial and human resources.<sup>321</sup>

Article 23 of the MoSA Guidelines defines the role of the probation officers as follows:<sup>322</sup>

The probation officer, along with the child protection officer, can bring before a juvenile court a child of less than 15 years of age in cases concerning unfit parents or caretakers who have criminal records, are addicts, or been convicted of immoral offenses against their children such as cohabitation with thieves or prostitutes, begging, or being homeless.

In a case where the child has been proven to be in need of protection, the juvenile court can: order the parents or the guardians to take care of their children appropriately or pay fines; send the child to an institution; place the child under the care of a suitable person; render a decision that places the child under the supervision of the probation officer for one to three years; or send the child to a particular institution of the Ministry of Social Affairs for one to three years (and up to five years for younger children).

The decision should be in writing and the court may make it in the absence of the person concerned.

- a. The institution entrusted with the care of the child has the right to supervise the child as a parent, even if the parents or the guardians request otherwise.
- b. The court can decide if (and how much) the parents of the child should contribute to the living expenses of the child in the institution.
- c. The institution has the right to file a complaint against the parents for not contributing to the expenses of the child entrusted to it.
- d. The probation officer, with the consent of the Minister of Social Affairs, can bring before the court any person who is about to complete his/her term in the institution and is believed, if released, to be in

danger of harm from a criminal parent, having no caretaker, or needing more time to perfect a trade he/she is learning in the institution.

The law provides for intervention through the establishment of juvenile rehabilitation centres, under MoSA, where the child can be hosted if legally convicted. Here juvenile offenders are to be offered adequate support through education, vocational training, and psychosocial rehabilitation and cultural activities. There are three juvenile rehabilitation centres in the oPt: two in the West Bank and one in the Gaza Strip. During interviews, the absence of centres for girls was repeatedly emphasized as a major issue. There is a large discrepancy between the average number of children hosted at centres both in the West Bank and Gaza Strip, and the high numbers of juvenile offenders.<sup>323</sup>

According to a representative of Al-Mezan in Gaza, the most important criticism of the Gaza centre is that children are often not sent there. For example, most children in Rafah are kept in police stations with adult offenders and are vulnerable to mistreatment. In theory, they are to be sent within 24 hours to the juvenile centre, but in practice this is not the case.<sup>324</sup>

In 2008, the status of children perceived to be in conflict with the law in the Gaza Strip was alarmingly unclear due to conflicting accounts of the actual procedure in place. There are reported cases of police officers deciding the fate of children without recourse to the court system. In order to change this situation, a specialised court for chil-

“In 2008, the status of children perceived to be in conflict with the law in the Gaza Strip was alarmingly unclear due to conflicting accounts of the actual procedure in place.”

dren under the MoJ was established in June 2010 alongside a human rights unit, whose task it is to monitor how children's rights are applied by the judiciary and to guide them in upholding these rights.<sup>325</sup>

Meanwhile, the Ministry of Detainees and Ex-Detainees Affairs (MoDEDA) has a Child and Youth Department mandated to address the needs of children imprisoned and released by the Israeli government—through legal assistance, rehabilitation services and community integration programmes. This department, however, does not have any written policies or procedures addressing any aspect of its services for children.<sup>326</sup>

A National Committee for Juvenile Justice was formed by Palestinian stakeholders who contributed to the formulation of MoSA's National Strategic Plan (2011-2013). This plan incorporates significant advances in the field of juvenile justice, ensuring that children within this system are protected and receive adequate rehabilitation. The issue of juvenile offenders should involve coordinated policies between MoSA, MoJ, and the police. Unfortunately, this is not currently the case.

### *East Jerusalem*

Palestinian children residing in East Jerusalem who come into conflict with the law in East Jerusalem or Israel are dealt with under the Israeli criminal justice system. Israeli domestic legislation on juvenile justice generally provides legal guarantees and protection recommended by international standards to suspected juvenile offenders.<sup>327</sup> There is evidence, however, indicating that Palestinian children who enter the juvenile justice system in East Jerusalem or Israel face acute discrimination. The existence of 'cross-border cases', which completely lack legal regulations, also gives rise for concern. This occurs when Palestinian chil-

dren holding a West Bank (Palestinian) identity card come in conflict with the law in East Jerusalem or Israel.<sup>328</sup>

### **Children Detained under the Israeli Military Order System**

Between the start of the second Palestinian uprising in 2000 and 2008, a total of 974 Palestinian children were killed by Israeli forces or by Israeli/Jewish settlers. The most deadly incident was Israel's offensive in Gaza in late 2008, which led to the killing of 1,440 Palestinians and the injury of over 5,380. Children were 30% of the death toll. Additionally, the Israeli military detains 700 Palestinian adolescents (ages 12-17) each year.<sup>329</sup> According to the Special Representative for Children and Armed Conflict, the same Gaza offensive, "Operation Cast Lead", saw a sharp increase in the arrest and detention of Palestinian children in Gaza.<sup>330</sup>

Despite Israel's obligations under human rights and international humanitarian law, it continues to arbitrarily arrest, detain and abuse children. At the time of this writing, 226 children remain in Israeli detention, including 45 between the ages of 12-15 years. Children continue to be arrested at night, at checkpoints, and off the street. Children and their families are seldom informed of the charges against them. Most of the children, especially in the occupied East Jerusalem are arrested for stone throwing.<sup>331</sup> Children report being blindfolded, beaten or kicked at the time of arrest, and put in the back of a military vehicle where they are subject to further physical and psychological abuse on the way to the interrogation and detention centre. It is noteworthy that the perpetrators of these violations against Palestinian children face no accountability for their actions.<sup>332</sup> Unlike Israeli juvenile offenders, Palestinian children (holders of a Palestinian ID card) are tried—and almost always convicted—in a 'juvenile' military court. This military court was created in 2009 in accordance with



Military Order No. 1644. Palestinian children under age 16 are detained in regular Israeli jails, unlike their Israeli counterparts.<sup>333</sup>

Israeli military commanders have issued more than 1,500 military orders. This has resulted in the establishment of a military system that rules most aspects of the lives of Palestinians living in the oPt. The military orders apply to all Palestinians, with no distinction made between adults and children older than 12. Furthermore, Palestinian children are also subject to ‘administrative detention’, which is a measure that permits the internment of a person without charge or trial. While administrative detention is admissible according to the Fourth Geneva Convention under certain conditions, the Israeli military uses this measure regularly, arbitrarily and often unlawfully, as it does not meet the primary requirements under international law that allows for its use. The Special Representative for Children and Armed Conflict noted that the attempt to introduce juvenile justice standards within the Israeli military court system was a subject of concern of the Committee on the Rights of the Child in 2010, when the Committee urged Israel to end entirely its practice of prosecuting children within military courts.<sup>334</sup>

As stated previously, one particular military order refers to children.<sup>335</sup> This order resulted from extensive criticism over the absence of juvenile courts in the system.<sup>336</sup> A key step was the order’s establishment of the special military court for Palestinian minors up to the age of 15.<sup>337</sup> At the same time, this military order failed to address numerous issues raised by the military justice system at work in the oPt.<sup>338</sup>

Areas of concern include the following issues: the unwillingness of the Israeli government to implement any

preventative measures; widespread lack of knowledge among Palestinian stakeholders regarding Israeli military regulations; and the limited budget of the PA MoDEDA to undertake proper activities in this regard. As for PA measures of intervention, the Palestinian Prisoners and Ex-Prisoners Law states that a duty exists to ensure financial, legal, psychosocial, and medical support to ex-detainees, including children. In addition, the Ministry provides the families of detained children with financial support for the length of time that the child has to spend in prison as well as an allowance for the child as an ex-detainee until he/she finds a job upon release (if he/she is over 18 when released). However, according to children surveyed, the activities implemented by the Ministry are not adequate.<sup>339</sup>

### Special Situation: Settler Violence

Israeli/Jewish settlers intimidate, harass, beat and shoot children walking to school, grazing sheep, or playing outside their homes. Perpetrators are rarely held accountable.<sup>340</sup> OCHA reported a 70% increase in settler violence against Palestinians and their property in East Jerusalem and Area ‘C’ in 2010.<sup>341</sup> Over a two-year period (2008-2010), DCI-Palestine documented 38 incidents of settler violence, 14 of which were shootings, in which three children were killed and 42 were injured. None of the perpetrators were held accountable for these attacks or killings since settlers cannot be taken before a Palestinian court, and access of Palestinians to Israeli courts is very restricted. Hence legal remedies for Palestinians are nearly nonexistent.<sup>342</sup>

## ii. International Organisations and Related Mechanisms and Bodies Pertaining to Protection of Palestinian Children, including Palestinian Refugee Children

### a. *UNRWA in oPt*

UNRWA is the main relief and assistance service provider for Palestinian refugees. Considerations about its protection mandate are the same for Lebanon and the oPt. However, practices and projects undertaken by UNRWA in the oPt differ greatly from those in Lebanon. First of all, the FO's autonomy from HQ result in interventions and programmes that differ from one FO to another. Second, the oPt has two different UNRWA FOs (one for the Gaza Strip, the other for the West Bank) that operate independently in very different environments and have developed their own initiatives that are specific to their local fields of operations. Third, the culture of protection as well as the actual protection activities are more advanced in those FOs<sup>343</sup> compared to Lebanon; the OSO programme has been operating for several years in oPt and served as a basis for the same programme in Lebanon.

UNRWA provides services for refugees living in and outside of camps, nevertheless, this section will concentrate on living conditions and challenges encountered by refugees in the camps. This section will provide a brief overview of UNRWA strategies, activities, and initiatives in the field of child protection, according to each FO.

### General Data

A 2004 survey by the Palestinian Central Bureau of Statistics on psychosocial health issues of children living in UNRWA refugee camps in the oPt documented child reports of pervasive and serious violence in the camps,

**“A 2004 survey by the Palestinian Central Bureau of Statistics on psychosocial health issues of children living in UNRWA refugee camps in the oPt documented child reports of pervasive and serious violence in the camps, including at school.”**

.....

school and at home.<sup>346</sup> UNICEF has reported that the psychosocial problems children faces in the camps as a result of the Israeli occupation are grave.<sup>347</sup> In this light, a 2003 report showed that 44% of camp inhabitants require psychosocial support, compared with 20% of the whole Palestinian population.<sup>348</sup>

Poor water infrastructure and sewage systems in camps in the oPt, in addition to the overall poor living conditions, have resulted in a high number of health risks for children.<sup>349</sup> Additionally, people living in these refugee camps suffer from the highest rates of poverty when measured according to consumption patterns. Approximately 39% of camp households are poor, compared with 29.5% of their urban and rural counterparts. Low levels of participation in the labour force and high unemployment among refugees living in camps were also detected.<sup>350</sup> A PA Government report found that “sub-standard housing has lead to poor health which has a disproportionately severe impact on children. The international standard for overcrowding is three or more persons per room. This is a

including at school.<sup>344</sup> The findings of this study are vital as they attest that UNRWA reporting and monitoring systems in place at the time, including complaint boxes, had no effect.<sup>345</sup> Other studies have shown that children in refugee camps are confronted with an atmosphere of violence, high rates of poverty, unemployment, and frequent military invasions. In addition to Israeli military actions, children encounter violence at



problem characteristic to refugee camps whose area (size) has remained the same for the past 63 years while their population has more than quadrupled.”<sup>351</sup>

### West Bank Field Office

The West Bank covers 5,500 square kilometres with an estimated population of 2.3 million people. The West Bank is home to 771,000 refugees registered with UNRWA; another 250,000 are nonregistered refugees and/or IDPs.<sup>352</sup> Approximately, one quarter of the registered refugees live in 19 recognized refugee camps, while the majority live in West Bank towns and villages. The West Bank has the most number of camps compared to UNRWA’s other fields of operation. Some of these camps are located within or near major towns, while others are located in rural areas. To compare population sizes, the camp with the most people—Balata Refugee Camp—has a population close to that of the least populated camp in Gaza.<sup>353</sup>

As previously explained, the West Bank, including the refugee camps, is divided by three different zones of authority: Areas ‘A’, ‘B’, and ‘C’. Shu’fat Refugee Camp, which is situated within the municipal boundaries of Jerusalem, remains under Israeli control. Kalandia Refugee Camp is in Area ‘C’ and remains under full Israeli control. Four refugee camps (Deir ‘Ammar, Jalazone, Fawwar, and Arroub) are under joint Palestinian/Israeli control (Area ‘B’); and the remaining 13 refugee camps are under exclusive PA control (Area ‘A’). It is important to note here that this difference is only theoretical in nature, since the Israeli military does not limit its operation to Area ‘B’ or ‘C’ of the West Bank. The army does also enter the Area ‘A’ refugee camps at any given time, as explained in several interviews with inhabitants of Aida Refugee Camp and Dheisheh Refugee Camp (both under Area ‘A’).<sup>354</sup>

“UNRWA faces many challenges, including the undeniable fact that the camps are extremely overcrowded, with a lack of space, particularly parks and playgrounds, for children to play..

.....

Camp residents have been hard-hit by closures imposed on the West Bank by the Israeli authorities, and persistent military actions like house demolitions, arrests, and killings of camp and other residents of the West Bank. Subsequently, unemployment has risen, and socioeconomic conditions in the camps have deteriorated.

Each camp in the West Bank has a committee that serves as its residents’ official representative. Residents run their own activities and maintain the camps as active social units. UNRWA does not administer the camps, but does provide installations and programmes, such as women’s centres, community rehabilitation centres, youth activities, and disability services.<sup>355</sup>

UNRWA tries to overcome difficulties that have emerged due to the ongoing Israeli military occupation. For example, UNRWA created the OSO programme to monitor, document, and intervene in incidents affecting refugee camp residents during military operations; incidents concerning access to land and/or services; and incidents concerning the forced displacement of herding communities living in Area ‘C’. Another such initiative is the Barrier Monitoring Unit established in March 2010 to monitor and document the impact of the Israeli Wall on Palestinian refugee communities in order to strengthen advocacy for better access to land, livelihoods, and services while at the same time, build local capacity.<sup>356</sup>

In short, UNRWA faces many challenges, including the undeniable fact that the camps are extremely overcrowded, with a lack of space, particularly parks and playgrounds, for children to play. This particular problem dramatically increased after the construction of the Israeli Wall, build on confiscated Palestinian land. It was illustrated in an interview with an employee of the refugee organisation, Al-Muftah (located in Aida Refugee Camp). The employee (and Aida resident) remembers that when he was a child, there were many open areas around the refugee camp where he and his friends could play football and other sports. Now the camp is surrounded by the Israeli Wall, separating the residents of the camp from those open areas. Today, there is only one football/sports field in the camp that must be shared by more than 1,000 children.<sup>357</sup>

Another problem is the very high unemployment—particularly high among West Bank refugees. Households spend an average of half their income on food, leaving very little to spend on other essentials such as shelter and education. This encourages a cycle of debt, which further entrenches poverty. Another issue is the camps' high population density and rapidly-growing population. This upward population trend puts a severe strain on the camp infrastructure. Over-crowded residents frequently expand their homes to accommodate their growing families as new generations are born. This construction is done, however, with no proper planning, and old sewage networks are unable to accommodate the expansion.<sup>358</sup>

Considering the many issues demanding attention, it is not surprising that UNRWA lacks sufficient services in a key area such as child protection. UNRWA first included child protection in its agenda as recently as the development of its “Medium Term Strategy 2010-2015”. Nevertheless, UNRWA does not possess a fully-developed and functional child protection strategy for the West Bank.<sup>359</sup>

UNRWA's protection strategy for the West Bank identifies several priorities divided between external and internal components. While external strategies focus on advocacy, internal strategies involve mainstreaming protection throughout UNRWA programmes.

UNRWA's advocacy strategies focus on issues of international protection in the West Bank, such as forced displacement, house demolitions, settler violence and related trauma for children. They also focus on communities living close to the Wall and in Area 'C' who have restricted access to basic services. Additionally, advocacy strategies address refugees living in camps and affected by the conflict, by means of recording, monitoring and collecting information on violations of international humanitarian law.

UNRWA advocacy work intervenes at three levels: communications with Israeli authorities through direct and confidential meetings, including with the Israeli military; mobilization strategies for raising awareness and sensitizing donors and the international community; and public advocacy.

Internal advocacy seeks to link departments and programmes to ensure that international protection activities through the OSO programme are connected to the relevant departments, such as the relief department or mental health programmes, to most effectively address the consequences of a protection issue. While protection officers carry out advocacy, OSO ensures that protection is mainstreamed and that the delivery of services matches the protection standards.<sup>360</sup>

In the town of Qalqilia, services include elementary and preparatory schools, a network of primary health care facilities, and a 43-bed hospital. A major problem facing UNRWA's health programme, as in other fields, is the

heavy workload of doctors and other health staff. The average number of patient visits per doctor per day is 89. The UNRWA education programme in the West Bank also faces a number of significant challenges, including extreme overcrowding, with an average of 50 pupils per classroom. Due to the growth in the school population and the shortage of school buildings, 24 schools are run with two shifts per day. Additionally, 21 schools operate on rented premises. Many schools have suffered damage to their infrastructure as a result of Israeli military operations since September 2000.<sup>361</sup>

### *Referral System*

As mentioned previously, there is no general CPS within UNRWA. The West Bank FO, however, initiated a model project to address this important issue in form of a protection referral mechanism within UNRWA. This initiative began two years ago in four of the 19 refugee camps. In order to provide a proper overview of the status of child protection, the general protection system will be explained as well as the newly-started referral model project which is part of the Family Protection Unit programme.

Since no general protection system exists, protection in UNRWA camps in the West Bank takes place on an *ad hoc* basis. Interviews with UNRWA counsellors in health clinics provide insight into these *ad hoc* practices. A psychosocial counsellor at an UNRWA health clinic in Kalandia Refugee Camp (situated in Area 'C') indicated that the main violations of children's rights are trauma caused by situations related to the Israeli occupation, sexual abuse within extended families, and violence in schools.<sup>362</sup> The situation of Kalandia Refugee Camp is especially complex because it is close to one of the main Israeli military checkpoints that separate the West Bank from Jerusalem. As a result, the camp has to handle the extensive traffic coming and going through the checkpoint, and frequent

Israeli closures of the checkpoint further aggravate the atmosphere, causing an added source of stress and tension within the camp.<sup>363</sup> The psychosocial counsellor explained that all children living in the camp are under a great deal of pressure, which is a cause of violence among them. When she started her job seven years ago, her work was considered an oddity for the camp population. Today, however, she and her colleagues are increasingly viewed as an integral part of the camp structure and accepted by children as well as parents.

As a counsellor from Aida Refugee Camp explained, "People know now about us and are more comfortable with our work."<sup>364</sup> Both counsellors explained that they handled cases referred to them by school counsellors or NGO staff working directly with children. Their work includes visiting community centres and give talks to raise awareness. Additionally, they conduct group counselling sessions or, when needed, individual sessions. In practice, these counsellors can only provide individual counselling for a very small number of children due to limited time and capacity. Group counselling is utilized by several institutions, such as the hospital Al-Jamia Al-Arabia in Beit Jala (a town located next to Bethlehem), which provides group counselling sessions twice a week at Aida Refugee Camp. In interviews, employees of camp community centres stated that they refer children to professional counsellors only in severe cases of child abuse; these cases are referred to both the NGO sector and the counsellors working for UNRWA health centres.<sup>365</sup> All of the employees said that they know little about these counselling sessions and only a few have received training (conducted solely by NGOs) in identifying abused children in order to properly make referrals. On average, less than one case a year is referred to a counsellor or any other institution/professional. This indicates the staff members' hesitancy to refer cases (and not the limited occurrence of severe cases of abused children in the camps). In very few cases,



home visits are conducted. The UNRWA psychosocial counsellor may also refer cases to the MoSA protection officer, and might also conduct home visits, but this is done very rarely, and only in very specific cases.

**“A Birzeit University study indicated that only 18% of employees working with abused children would refer cases to UNRWA senior officials, another 26% would refer cases to MoSA, and none would refer cases to the police.”**

.....

within the family, however, she refers directly to MoSA. In such cases, the child is put in the custody of the health centre for his/her protection. A major concern is that, in such cases, the safety of the psychosocial counsellor could be at stake, since the family of the child might not tolerate this procedure. She also noted that she usually informs her superior, who contacts UNRWA lawyers and its legal department, but they cannot guarantee her protection. This interviewee emphasized that steps in referrals depend solely on the commitment of the person dealing with each individual case. In Kalandia, for example, clinic doctors do not refer cases to the psychosocial counsellor and have instructed the psychosocial counsellor not to refer cases that could put the safety of the clinic in danger. Thus, referral takes place informally and without informing the clinic manager.<sup>366</sup>

Referrals from the counsellor working with the UNRWA health clinic are made mainly on the basis of personal relations and contacts. There is no bilateral or binding agreement between UNRWA and MoSA. A psychosocial counsellor from Kalandia explained the process. She usually refers a case to the NGO Women's Centre for Legal Aid and Counselling (WCLAC) to investigate, and then MoSA is contacted. In cases of sexual abuse

A psychosocial counsellor at Jalazone Refugee Camp agrees that the referral process depends on the individual dealing with the case.<sup>367</sup> In her camp, the doctors working in the health clinic explained when she started that if she wanted to refer a case, she had to do it secretly. The reason they gave is that open referral jeopardizes the safety of her, the doctors, and clinic personnel in general. When she was working in Shu'fat Refugee Camp, however, she was involved in setting up an effective referral mechanism. Even though this system was informal and limited to the health centre, it resulted in a successful referral. The mechanism involved the doctors of the clinic and the lawyers of the legal department to ensure the safety and well-being of the clinic personnel. It was carried out in partnership with WCLAC and MoSA. She stated that this system was effective only because all key actors were motivated and had the knowledge required.

A similar conclusion was drawn by a study conducted by Birzeit University in several refugee camps in the West Bank. The study indicated that only 18% of employees working with abused children would refer cases to UNRWA senior officials, another 26% would refer cases to MoSA, and none would refer cases to the police.<sup>368</sup> These numbers clearly show that an *ad hoc* referral system is not sufficient since only a small minority of employees would actually take the initiative to refer a case. In any case, there is no written document explaining or illustrating any of the above procedures or practises. All is done extemporaneously and depends completely on the diligence, motivation, and knowledge of the individual staff member of an NGO or UNRWA health centre.

Another major shortcoming is that, according to interviews, no proper monitoring and/or follow-up mechanism exist. For such a mechanism to be effective, the process would need to be properly overseen and monitored with significant community participation.<sup>369</sup>



An additional 2008 study by Birzeit University about UNRWA health and social care professionals found that child abuse and neglect is a severe issue in the refugee camps and needs to be addressed systematically by all UNRWA services. UNRWA staff expressed the need for further training in the field of child protection. The study concluded that there is an urgent need within the refugee camps for a referral system with clear procedures and instructions.<sup>370</sup> Based on this study and the assertion from UNRWA leadership that child protection must be addressed in the refugee camps, a model project for a referral system was launched in 2009.

### *Model Protection Referral Project*

This model protection referral project was initiated in four camps and extended in January 2011 to eight more camps. The project is based on the Family Protection Unit programme, which seeks to establish a sufficient system of family protection for vulnerable groups, including children, women, elderly and the disabled. Its main theory is that only overall family protection will ensure the protection of children. As a starting point, a core group was established consisting of UNRWA doctors, nurses, midwives, and mental health workers. In the second phase, a family protection committee was created consisting of a core group of camp service officers, school principals and teachers, the Popular Committees, and CBOs. Protection is to be ensured on three levels: self-care, informal community care (via the family protection committee), and primary healthcare (via the core group). The first level is the foundation concept: people should be encouraged to manage their own problems with support of their family and friends. This approach will be supported by lectures to raise awareness and public health/social promotion programmes. Community care will be ensured through the participation of a wider range of camp NGOs and CBOs, in addition to schools and daycare centres. The

third level, primary healthcare, will include early identification of abused or neglected children (and adults, when applicable), the treatment of physical and psychological pain, and the referral of cases to suitable institutions or professionals.<sup>371</sup>

This project is initiated and led by the Head of the UNRWA Health Department, with the support of Birzeit University, Juzoor, Oshaq, Al-Mada, WCLAC, and Save the Children Sweden. According to the Head of the Health Department, it is similar to the CPN currently being implemented by MoSA. This mechanism is more specific to Palestinian refugees, but will still include MoSA structures.<sup>372</sup> It is based on the perspective that refugee camps are more organized than other places in the oPt, due to their structure and influential CBOs. It should be noted, however, that not all camps are at the same place in social concern, governance structures, or active Popular Committees.

In order to establish a successful referral system, several steps were identified. These steps include: developing and implementing clear policies and roles and responsibilities for staff members; implementing evidence-based primary intervention; strengthening responses for victims; building capacity; and improving the collection of data. Ultimately, the aim is to create an effective referral system through the establishment of a social safety network to be integrated into the national system.<sup>373</sup>

Ideally, the mechanism would work as a two-fold referral system. One would be initiated by the victim, self-reporting (see Chart 1), the other would be initiated when a case is identified by an UNRWA staff member or service provider (see Chart 2).

Chart 1: Self-Reporting Referral Pathways<sup>374</sup>

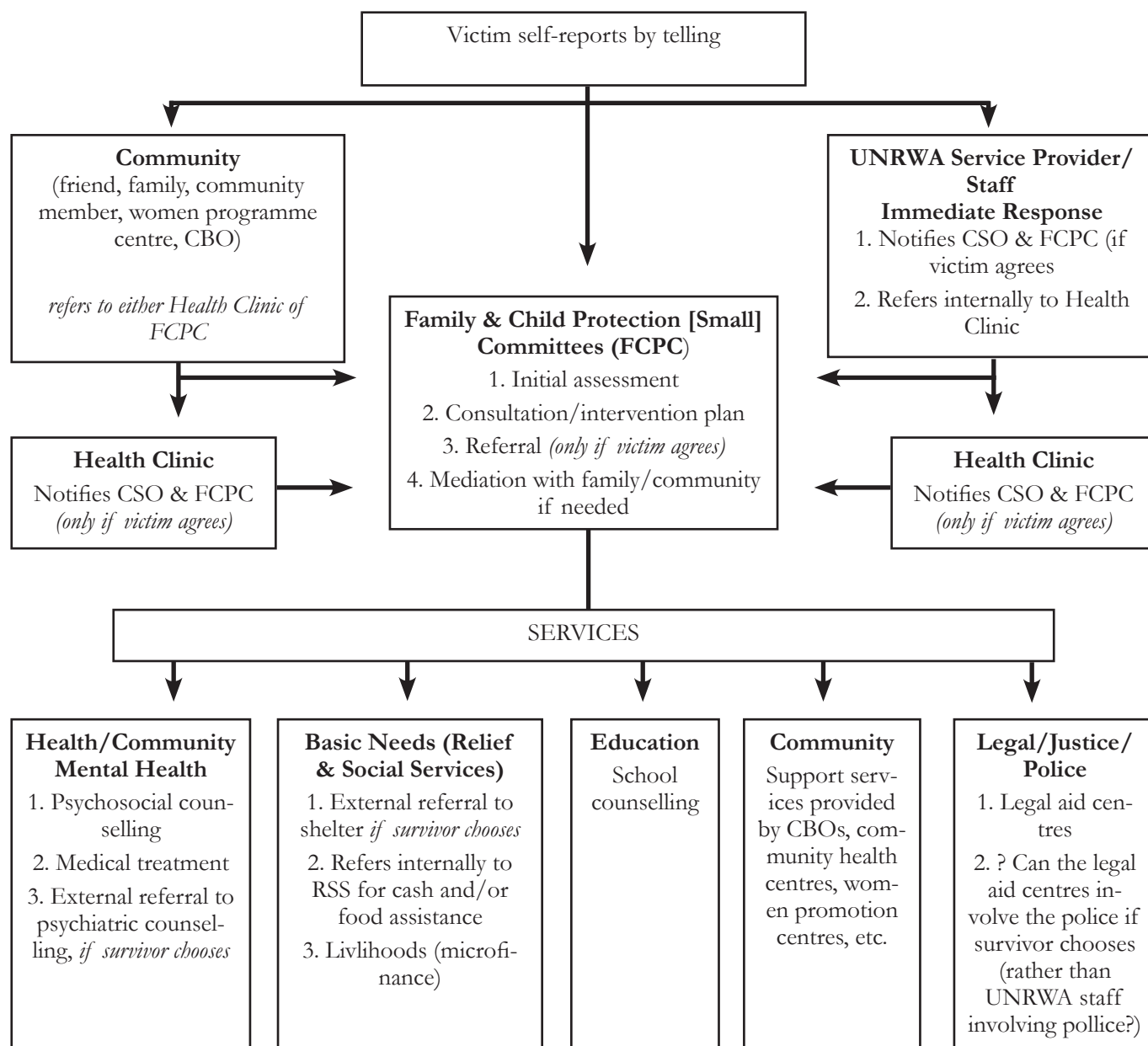
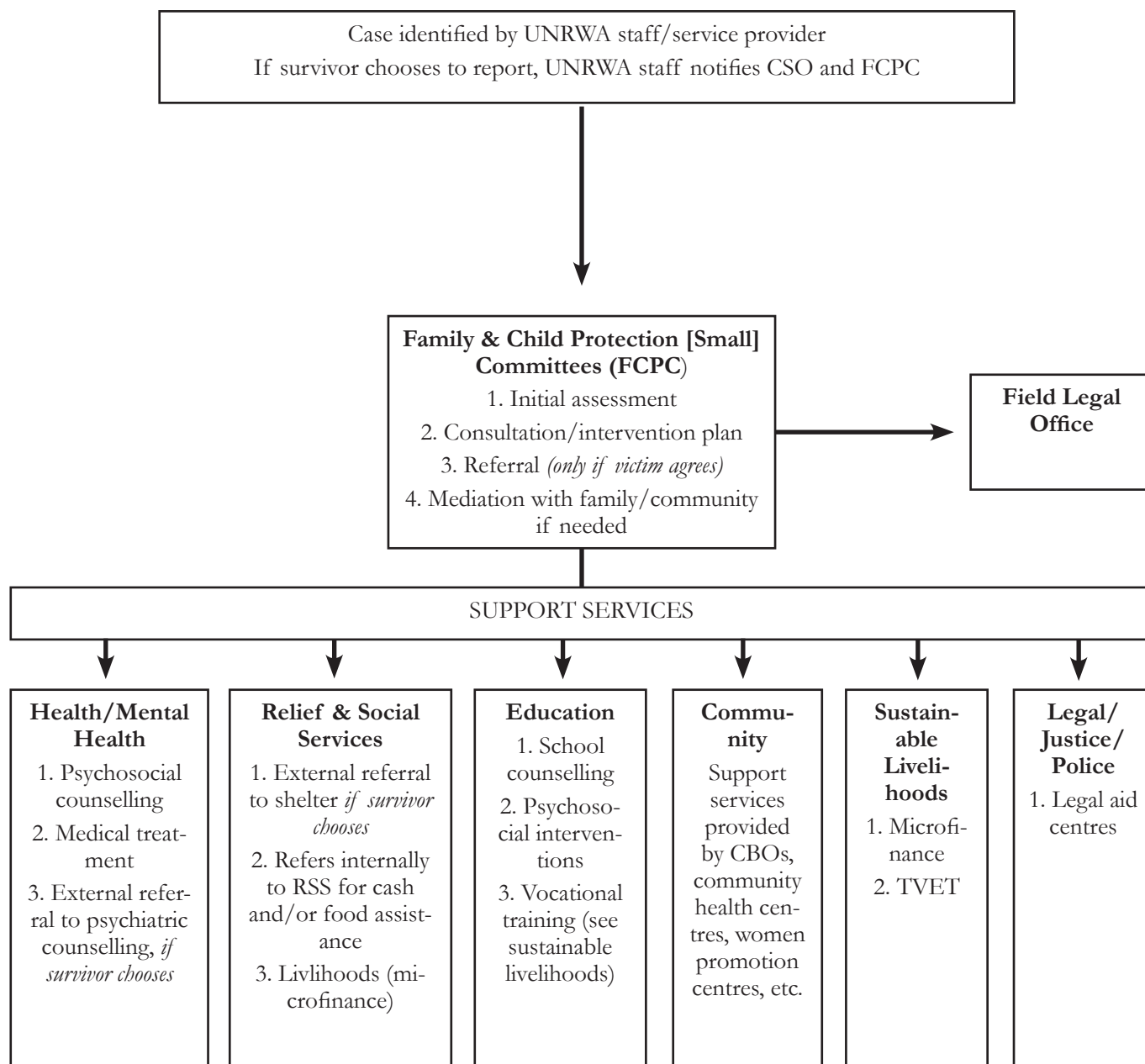


Chart 2: Service Provider Referral Pathways<sup>375</sup>



As illustrated in these two referral processes, all cases will eventually be referred to the family protection committee. This committee determines additional steps and either handles the case successfully or refers it to a support service such as psychological counselling, vocational training, or legal aid.

According to the Head of the UNRWA Health Department, the biggest concern in initiating this system was that UNRWA refugee camp staff members had almost no capacity in detecting abused children. Furthermore, all counsellors and medical staff in UNRWA clinics have a minimal understanding of what referral is and its legal implications. For example, no abuse case originating there has ever been referred to the Centre for Child Protection in Ramallah. On the other hand, WCLAC, a partner in the project, does have experience in referring cases to shelters. Key will be formulating clear and transparent instructions for staff members and providing them with legal guarantees.

The Head of the UNRWA Health Department explained further that the project is a gradual learning process, and although it is based on experiences and best practices from other countries such as Jordan where Save the Children Denmark helped develop a referral system with sufficient shelters and confidentiality, it is new terrain for UNRWA and unique in the context of refugee camps. It is also based on the recognition that health centres must do more than prescribe medication. After initial sensitization and orientation, staff members were training on detection and referral for all protection risks (the first topic being gender-based violence) by Juzoor and WCLAC. Workshops will also be held on the issue of safety for staff. The first workshop was organized in January 2010 at the Palestinian Red Crescent Society in Ramallah by UNRWA and partner NGOs in order to identify existing resources and referral mechanisms.<sup>376</sup>

In this phase of the project, UNRWA is reluctant to include the police in its referral system and therefore does not instruct its employees to refer cases to the police. Another shortcoming of this model project is it was not allocated a specific budget and was funded through budget re-shuffling. Furthermore, new professional staff members were not hired for the initiative; only 'old' staff has received training. It is risky to expect long-time staff to transform their work habits; some may fall back into years-old behaviours and patterns. In order to overcome these shortcomings, UNRWA needs to establish strong links with stakeholders inside and outside the camps, including the police stations. Furthermore, a sufficient monitoring and follow-up system should be created.

It is too early in the project to judge whether it has improved the situation of refugee children in the West Bank camps. One point is certain, however: the development of a comprehensive protection system was overdue after UNRWA's more than 60 years of providing services to Palestinian refugees.

### **Gaza Strip Field Office**

The Gaza Strip, a narrow piece of land on the Mediterranean coast, is home to a population of more than 1.5 million Palestinians.<sup>377</sup> Gaza covers an area of just 360 square kilometres and is considered one of the most densely-populated areas in the world. An estimated 1.1 million people, or three-quarters of the entire population, are Palestinian refugees registered with UNRWA. About half a million refugees live in Gaza's eight refugee camps. The refugee camps have one of the highest population densities in the world. For example, over 82,000 refugees live in Beach Refugee Camp in an area less than one square kilometre. This high population density is reflected in UNRWA's overcrowded schools and classrooms.



For the last decade, the socioeconomic conditions of ordinary Palestinians in Gaza have been declining steadily. Years of occupation, conflict, and an ongoing blockade have left the vast majority of the population in need of international assistance. Unemployment is at unprecedented levels, with more than 40% of the labour force out of work. Refugees remain the most vulnerable under the present circumstances and the community continues to experience rising levels of unemployment, food insecurity, and poverty. Residents of the overcrowded camps also lack access to adequate drinking water and electricity supplies.

UNRWA operations in Gaza are conducted by more than 10,000 staff members employed in over 200 installations. UNRWA delivers education, health care, relief and social services, micro credit and emergency assistance to registered Palestinian refugees in Gaza. UNRWA maintains 228 schools with 206,000 pupils and two vocational and technical training centres (in Gaza City and Khan Younis). In addition, it operates 20 primary health centres and six community rehabilitation centres.<sup>378</sup>

In the health sector, the impact of deteriorating socio-economic conditions on physical and mental health in Gaza is noticeable. Nearly 200 community mental health counsellors in UNRWA schools assist troubled and/or disabled children through targeted individual and group interventions. Direct relief and social services assistance remains critical to tens of thousands of refugee families in Gaza. The agency works to alleviate refugees' burdens and protect the most vulnerable. Food and cash assistance is based on needs determined through a poverty assessment. CBOs offer social services targeting women, children, youth, orphans, and people with disabilities.<sup>379</sup>

Israel's blockade of and continuous military offensives in Gaza have dramatically increased what was already an

unbearable situation. All the camps have been affected by the blockade of Gaza. As an example, Israel's 22-day military action against the Gaza Strip in 2008 left some 60,000 homes damaged or destroyed. Since then, the blockade that prevents the import of construction materials to the Gaza Strip has prevented the United Nations from conducting any significant repairs or reconstruction. The blockade also places severe restrictions on goods and services usually provided by UNRWA. An estimated 325,000 refugees are living in abject poverty, unable to meet their basic food needs. An additional 350,000 currently live below the official poverty line. Infrastructure maintenance and development is also stymied by the blockade.<sup>380</sup>

According to the Head of the Gaza FO, children's rights abuses have increased in the Gaza Strip.<sup>381</sup> He explained that in Gaza, standards for child protection can only be adapted effectively if the affect of the 'siege' and Gaza's separate governmental structure are taken into consideration.<sup>382</sup> Protection issues at the UNRWA Gaza FO are the responsibility of the OSO Programme, the Legal Department, and Programme Support Officers responsible for mainstreaming protection.

A regulatory framework for protection, in the form of protocols, exists to prevent and respond to violence in schools.<sup>383</sup> This goes back to the UNRWA Respect and Discipline Initiative, which now covers 64 schools. The initiative is based on three pillars: 1) establishing activities in schools for the community, teachers, and students, including regular open discussions between these groups; 2) establishing a specific regulatory framework, i.e., the code of conduct that has been formulated for UNRWA schools; and 3) addressing the long-term situation of students.

The code of conduct bans any form of corporal punishment in schools. This policy, however, has been perceived by many teachers as producing a loss of authority.<sup>384</sup> UNRWA has tried, in corporation with certain NGOs, to react to this misinterpretation by offering teachers training sessions and lectures.

Another initiative is the Special Children Needs Initiative through which students with special needs are identified.<sup>385</sup> Based on this identification, a health assessment is conducted and, depending on its results, a 'response plan' and follow-up procedure is formulated.<sup>386</sup> This mechanism has resulted in the realization that certain 'problems' have multiple root causes such as neglect, exploitation, or domestic violence.<sup>387</sup> While this referral system was limited to this special initiative, its founding has created certain knowledge and expertise. This know-how and expertise can be used to establish an overall protection referral system in the Gaza Strip.

Also of notable importance is the database established by the Gaza FO to monitor and record children's rights abuses in 228 schools. This database enables the identification of certain key 'problems' as well as the detection of trends and patterns among those schools.<sup>388</sup> Additionally, the database can serve as a basis for designing intervention strategies that are appropriate for each individual school rather than imposing a standardized strategy that might be insufficient.

One of the major challenges for child protection in Gaza is the detection of abused or neglected children, since no general detection system is operational. In addition, cultural sensitivities might prohibit people from reporting cases. As a result, abused or maltreated children remain unknown and without a proper response. For UNRWA employees, one solution could be the integration of the whole community in the process of children protection

in order to include all possible causes of children's rights violations. However, no such approach has been adopted by the UNRWA Gaza Strip FO. For example, social workers still tend to focus their work using eligibility criteria for Palestinian refugees to receive certain services, rather than conducting proper case management.<sup>389</sup>

The Head of the UNRWA Community Mental Health Programme explained that a significant problem was caused by too many NGOs operating in the field of child protection. The result has been stakeholders behaving competitively while every organisation follows its own approach. He says that this situation has to change and all organisations working in the field must harmonize their approaches and complement each other's work. This could be established by creating focal points within the whole Gaza Strip, and by enlarging the already existing UNRWA school database to include all areas related to child protection.<sup>390</sup>

#### *b. Other United Nations Agencies*

### **UNICEF**

With staff members in Jerusalem, Gaza, Nablus, Jenin and Hebron, UNICEF works with the PA and a broad range of partners to protect children and women from the impact of violence, and to prevent further deterioration in their condition and well-being. UNICEF's programmes target the most vulnerable children and women, thereby focusing on health and nutrition, water and sanitation, education, protection, and participation.<sup>391</sup>

According to UNICEF, the overall protection environment for children throughout the oPt requires considerable strengthening. Protection systems and services are fragmented, child protection specialists are few, and community and family protective abilities are being constantly



**“While the CPN in the West Bank is now operational and headed by MoSA, the CPN in Gaza has been on hold for the last couple of years and is now being revitalized.”**



UNICEF and its partners are working to build a protective environment for children.<sup>392</sup>

UNICEF focuses its efforts in four key areas: 1) ensuring appropriate child protection legislation, policies and regulations; 2) building the capacity of service providers and raising awareness in communities with the aim to prevent children's rights abuses; 3) facilitating coordination and dialogue between the different stakeholders; and 4) promoting the use of data collection and analysis.<sup>393</sup>

According to the UNICEF Child Protection Officer in Gaza, the separation between the authorities in the West bank and in the Gaza Strip has complicated the work of UNICEF. Furthermore, since the Israeli military offensive “Operation Cast Lead”, conditions in the Gaza Strip have been dramatically worsened, leading to a situation in which social workers are more involved in distributing basic goods than they are in child protection.<sup>394</sup>

UNICEF has played an important role in supporting the implementation of the pilot referral system, the CPN. The separation between the Gaza Strip and the West Bank lead to establishment of two distinct CPNs. While the

eroded. One result of the deteriorating living conditions is greater tension within the home and a higher incidence of domestic violence. In a 2006 study, 53.3% of mothers in the West Bank and 48.5% in Gaza stated that at least one of their children (5-17 years of age) had been exposed to violence during the previous year in the home, school, or street.

CPN in the West Bank is now operational and headed by MoSA, the CPN in Gaza has been on hold for the last couple of years and is now being revitalized. Given funding constraints and the complexity of the issues involved, UNICEF has not been able to implement a systematic approach; thus, certain target groups of children and certain geographical areas of intervention are currently neglected.<sup>395</sup>

UNICEF leads a Psychosocial Sector Working Group and a Child Protection Working Group (CPWG). Both exist in Gaza and the West Bank.<sup>396</sup> The working group structure, such as the CPWG or the protection cluster lead by OHCHR has been criticised for focusing too much on discussion rather than implementing concrete intervention policies.<sup>397</sup>

Also, together with Save the Children Sweden, 20 Family Centres have been established in the Gaza Strip. The purpose of the Family Centres is to create places that can provide psychosocial and educational services, in addition to recreational activities, in marginalized areas in the Gaza Strip.<sup>398</sup>

## More UN Agencies

The OHCHR works both in West Bank and Gaza. The OHCHR Chief in the oPt pointed out in an interview that, while in the past OHCHR's mandate was only to provide technical assistance, now it is entrusted with a monitoring role as well. Its mandate consists of the following: monitoring cases, including follow-up mechanisms and intervention with the authorities; protection issues in general; advocacy through public reports; and technical assistance and capacity building.<sup>399</sup> Nevertheless, OHCHR tends to focus on children in detention. The OHCHR Chief pointed out a tendency to address human rights issues in the oPt only through the lens of the Israeli-

Palestinian conflict, therefore ignoring other important issues, like the situation of 9,000 autistic children who are marginalised and receive almost no support.

The Chief noted that since “Operation Cast Lead”, coordination between NGOs in Gaza has increased.<sup>400</sup> According to the Human Rights Officer in Gaza, OHCHR is in charge of monitoring and following-up on cases identified in the UN Fact Finding Mission on the Gaza Conflict (also known as the ‘Goldstone Report’).<sup>401</sup> She stated her belief that the buffer zone near the Israeli border, where children are hesitant to go to school because of safety issues, is not receiving enough attention.

Due to limited human and financial resources, she stated that currently UN agencies are not systematically addressing violations of the right to protection suffered by Palestinian children, particularly children who have experienced violence, abuse, neglect, or exploitation in East Jerusalem.<sup>402</sup>

#### **4. Non-Governmental Organisations and Civil Society Organisations including Community Based Organisations**

The State of Israel, primarily as the Occupying Power in the oPt, and the PA, secondarily, share responsibility for ensuring protection of Palestinian children living in the oPt. Given the context of the occupation, however, and Israel’s refusal to uphold its obligations, as well as the limited autonomy and capacity of the PA, CSOs have attempted to fill the void. This has been done mostly through certain protection services and prevention or mitigating activities, and in some cases attempting to improve structures and mechanisms that should be provided by Israel and/or various PA ministries. The work of NGOs, CSOs and CBOs in the oPt must be viewed in

relation to the CPNs currently in place in the Gaza Strip and the West Bank.

##### **i. Child Victims of Violence, Abuse, Neglect, and Exploitation in the Domestic and/or Community Environment**

Three different types of organisations can be identified that work with child victims of violence, abuse, neglect and exploitation. The first type advocates and lobbies for a better legal framework vis-à-vis a child’s right to protection. The second type provides direct intervention in case of an emergency, or generally when children are in need of protection. The third type works towards strategic development of a more protective environment for children overall. Some NGOs integrate the three approaches. For example, DCI-Palestine in the West Bank and PCDCR in the Gaza Strip provide support services to children who have experienced domestic or community violence or are at risk of suffering violence.<sup>403</sup> Another CBO educates and raises the awareness of children through cultural events like theatre plays, painting and music. This organisation works currently with 1,000 children.<sup>404</sup>

In general, a number of challenges have prevented the civil society sector from achieving comprehensive protection for Palestinian children. These include:

- ▶ Some CSOs are not systematically implementing long-term programmes aimed at children’s rehabilitation or prevention.
- ▶ Organisations focusing on emergency intervention and/or social and cultural services for children do not always target the children or areas most in need.

- ▶ Systematic cooperation and coordination is lacking between the many child protection NGOs and CBOs operating in the field.
- ▶ An insufficient number of organisations are active in holding Palestinian authorities accountable for their legal obligations to ensure protection to children, with the exception of the Independent Commission for Human Rights (ICHR).<sup>405</sup>
- ▶ No systematic monitoring of cases of domestic and community violence against children in the oPt takes place, nor is there a national database.
- ▶ Restrictions on movement imposed by the Israeli military on both people and goods in the oPt is also a major obstacle for all organisations operating there.

Most interviewees identified either Israeli forces or schoolmates as the main source of children's rights violations. Key concerns identified were abuses due to the occupation, dropping out from schools, school violence, and child labour.<sup>406</sup>

Save the Children Sweden is running several protection projects in the West Bank and in the Gaza Strip, including the project "Creating a Protective Environment for Children in oPt". Save the Children Sweden seeks to improve the protective environment by focusing on four main areas: 1) protecting children from domestic and community violence, abuse, and neglect; 2) increasing child participation; 3) building the capacity of civil society actors; and 4) raising awareness and conducting media advocacy on preventing family violence.

The Save the Children Sweden project, "Child Protection Helpline Palestine", carried out in partnership with All the Women Together Today and Tomorrow (SAWA), aims at

ensuring child protection by expanding SAWA's outreach for a toll-free helpline in Jerusalem and Ramallah. The helpline currently provides confidential support over the telephone by trained volunteers, and wherever possible, makes referrals to appropriate organisations (e.g., psychological counselling, rehabilitation, support groups, educational support programmes, etc.).

Through another project, Save the Children Sweden, Save the Children Italy and PCDCR aim to respond to the direct requests of children living in Khoza'a and Qarara in the Gaza Strip. This project intends to strengthen, through a participatory approach, community-based mechanisms of protection and prevention. Save the Children Sweden in partnership with PCDCR is also implementing a monitoring and reporting project in Gaza related to UN Security Council Resolution 1612. This project aims at building the capacity of CBOs and NGOs in Gaza to report violations of children's rights. Finally, Save the Children Sweden is implementing a UNICEF programme in partnership with NGOs and CBOs for 20 Family Centres located across Gaza, providing a broad range of psychosocial, educational, health and protection services for children and their families.

**“The helpline managed by SAWA in Gaza and the West Bank provides a very good example of a child protection service that identifies and follows up on cases.”**

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The helpline managed by SAWA in Gaza and the West Bank provides a very good example of a child protection service that identifies and follows up on cases. This helpline aims to provide support via telephone to children in need of protection; maintain a database of cases to follow up; and ensure proper referrals for cases requiring further



support. SAWA started as a helpline for abused women. By the end of 2008, it was operating 40 hours per week for children in need in Gaza and the West Bank. It set up a commission of three psychosocial experts to study cases and assign them individual work plans.<sup>407</sup> In an interview, a SAWA representative indicated that its major challenge was referring cases to the right organisation, and getting organisations' correct contact details.<sup>408</sup>

As mentioned earlier, the Family Centre project is a 'one-stop shop' where children and their families can receive various psychosocial, educational and health activities. Save the Children Sweden, UNICEF and local partners have begun development of a comprehensive referral protocol for the 20 Family Centres. The mechanism works as follows: the social worker at the Family Centre receives the case and decides whether it should be referred to the internal counsellor or to an external identified service provider. These social workers have undergone extensive training sessions and workshops in identifying cases, child rights violations and the referral system itself.<sup>409</sup>

Community Training Centre for Crisis Management (CTCCM), which is a key component of the CPN, supervises social workers at the Family Centres. One of the key challenges identified by the Head of the CTCCM in Gaza relates to the role of social workers, who are more prone to distribute money and food parcels than do case management. He indicated that there have been 22 successful cases addressed by the CPN.<sup>410</sup> He noted that the CPN needs to strengthen its authority by interacting more with communities in order to be able to intervene in cases usually dealt with according to traditional mechanisms. Another key challenge is the lack of shelters and safe places to host children in need of protection. He noted that the Family Centres could be a good model for shelter. So far, the solutions favoured by the social workers are to

send children to relatives in the extended family, or to the SOS Children's Village in Rafah.

Several Palestinian NGOs have adopted a holistic approach, seeking in their activities to make long-term improvements in the environment of children through social and cultural changes.<sup>411</sup> Some NGOs focus their interventions on the most vulnerable groups of children. The East Jerusalem YMCA, for example, deals with mental health and psychosocial rehabilitation projects for children with disabilities.

The work of NGOs and CBOs in the oPt must be analysed in relation to the CPN in the Gaza Strip and the West Bank. In addition, NGOs cooperate outside the framework of the CPN by establishing their own smaller circles. For example, coordination and networking structures developed by DCI-Palestine deserve specific attention. DCI-Palestine was involved in piloting the CPN in Hebron and Bethlehem, but it also maintains its own network. One of its representative explained that the criteria for recruiting member organisations into "their" network was different from those used by the CPNs piloted by MoSA.<sup>412</sup> While DCI-Palestine selects organisations that have strong expertise and capacity in legal matters pertaining to child protection, MoSA recruits any organisation involved in social or legal work. In addition, DCI-Palestine relied on another network—the Palestinian Network on Child Rights (PNCR)—to select member organisations for the CPN. DCI-Palestine made sure that, after the inception of the CPN in Hebron and Bethlehem, procedures were formalized for referring cases between member organisations.

The PNCR was established in 2005 to strengthen and support the Palestinian Child Law and to clarify the roles of each organisation operating in that field. It is composed of 65 organisations with 15 protection teams trained on child

protection and children's rights. Child protection coordinators within the PCRN monitor the role of its members and submit monthly reports. Any case received by PCRN members is recorded to ensure proper follow-up.<sup>413</sup>

There is also a third network, the Palestinian Forum for Combating Child Abuse and Neglect, but it is more involved in academic research than practical issues.

In the case of Gaza, it is important to note that the reactivation of the CPN is closely linked to efforts for better coordination and linkages between the various child protection projects carried out by NGOs. For example, Save the Children Sweden is examining the possibilities for ensuring that activities under each project are coordinated and linked to the CPN.<sup>414</sup> This is important since the mere existence of the CPN does not alone ensure efficient coordination and referral. Together, Save the Children Sweden and UNICEF intend to strengthen the capacity of CPN members in Gaza and develop institutionalized and harmonized practices, since an efficient referral process requires a clear definition of roles among the actors of the CPN.<sup>415</sup> The referral protocol of the Family Centres project includes mechanisms for referral to the CPN, which could form the bases for a clear work frame for both the Family Centres and the CPN.

## ii. Children in Conflict with the Law

There are only a few Palestinian NGOs addressing issues related to children in conflict with the law. DCI-Palestine is the only local NGO that focuses specifically on this topic. It also monitors the situation of children who are detained (in the West Bank only)—as does the ICHR (in both the West Bank and the Gaza Strip)—but neither conducts systematic monitoring, nor implements systematic programmes supporting reintegration of child ex-detainees into society and family. The legal representation

and support provided to children by MoDEDA and DCI-Palestine represents an important step in this direction, but unfortunately, their services are not sufficient to cope with the high number of Palestinian child detainees.

There are many Palestinian NGOs and CBOs that offer cultural and social activities to the community as a whole, indirectly facilitating the family and community reintegration of child ex-detainees.

The Treatment and Rehabilitation Centre for Victims of Torture and the East Jerusalem Young Men's Christian Association (YMCA) recently initiated projects that focus on the psychosocial reintegration of child ex-detainees. Save the Children Sweden, in partnership with the YMCA, is carrying out a project called "Post-Trauma Rehabilitation of the Palestinian Ex-Detainee Children in the West Bank" to facilitate the reintegration process of child ex-detainees into their community. It involves 11 districts in the West Bank and aims to enhance the psychosocial well-being and coping capacity of child ex-detainees and their families through in-depth counselling and school-based and community-based reintegration interventions.

While the mechanisms described above apply to all Palestinian children, further research is needed to understand the extent to which these services reach Palestinian refugee children. It appears that there is no referral system established by NGOs and CBOs specifically for the benefit of refugee children.

## 5. Community

Many cases of domestic violence are resolved through informal mediation without reaching official channels. Formal judicial mechanisms were only inadequately available for Palestinians between 1967 and 1994, and today many Palestinians have lost faith in reforming their judi-

cial system. As a result many turn to ‘traditional’ means of settling disputes through the informal justice system. In view of the fact that ‘informal’ judges rarely intervene in domestic conflicts (with the exception of divorce or child custody cases), the system often does not address cases of violence against children within the family. In cases of potential ‘honour’ crimes, however, there is frequent recourse to informal justice mechanisms. Further research is necessary to elaborate more on the impact of this system on child protection issues.

Of notable importance is the resorting to *mukhtars* and imams as dispute-resolving bodies and/or reporting mechanisms for children who have experienced violence, abuse, neglect, or exploitation. FGDs in various communities in the oPt have provided information on how such mechanisms are used. While in some communities *mukhtars* appear to play a role in cases of violence against children within the family, in other communities they seem to deal only with cases of violence or abuse outside the framework of families.<sup>416</sup>

It is important to note, however, that informal protection mechanisms applied within the community do not necessarily meet international standards. As noted by the former UNRWA Senior Protection Policy Adviser in the Department of Legal Affairs in Jerusalem, traditional justice mechanisms are designed to restore the community’s equilibrium—not necessarily to vindicate an individual’s right—through the notions of *sulha* and *‘atweh*. The purpose of those mechanisms is to restore the family/ clan/community/tribe’s ‘right’ through reparations by the offender’s family/ clan/community/tribe. This approach is quite different from the setting of international human rights law, where the focus is on restoring the rights of individuals.<sup>417</sup>

This dichotomy between the two frameworks is also reflected in children and child protection issues. The former UNRWA Senior Protection Policy Adviser referred to two illustrative cases. In one instance, a child in one of the refugee camps in the West Bank was badly beaten by his teacher. The father complained to the traditional authorities and a *sulha* and *‘atweh* were arranged to settle the matter. In another case, the father of another badly-beaten child decided to complain to UNRWA, whose own education staff organized a ‘visit’ by the *mukhtar* to put pressure on the father to withdraw his complaint. It is critical to carefully monitor traditional mechanisms to ensure that child protection standards are respected. The above examples show that community mechanisms or the involvement of influential figures are no guarantee for child protection.

Save the Children Sweden and PCDCR supported community-based child protection groups in three villages in the south of the Gaza Strip. A Child Protection Committee (CPC) was formed in each community, involving influential community members, representatives from CBOs, primary health clinics, schools, the police, and religious leaders. Young adults were chosen for training to help them raise awareness of children’s rights, child protection risks, and the negative impact of violence, abuse, neglect, and exploitation on children’s cognitive, emotional, and physical development. In addition, children from the three communities, supported by the CPC, were asked to identify trusted individuals in the community to act as focal points for receiving children’s reports and concerns, and providing advice and guidance. Referral mechanisms linking the committees to health clinics, schools and other organisations were also established both for referral purposes, and to strengthen the coordination between caregivers and service providers. Within each committee, two sub-committees were established, one comprised of fathers and the other comprised of community workers.

The fathers' sub-committees are responsible for mediating between students, teachers, and parents and preventing or intervening in cases of conflict or when a child drops out of school. The community workers' sub-committees are involved in case management, and are focal points for children and parents. In response to the needs identified following Israel's "Operation Cast Lead", the sub-committees agreed to develop and pilot community-based emergency preparedness plans.<sup>418</sup>

Each Family Centre includes a CPC. The role of CPCs is:

- ▶ to mobilize and increase the awareness on child rights and child protection issues in their community (causes, victims, effects, and strategies for prevention);
- ▶ to enhance linkages between the Family Centres and relevant local stakeholders;
- ▶ to act as community counsellors and mediators in cases of children's rights violations or of children in conflict with the law;
- ▶ to raise the awareness of the local community on the importance of reporting any child rights violations to the Family Centre;
- ▶ to promote the fulfilment of children's rights in their communities; and
- ▶ to refer any children's rights violations to the Family Centre, including cases of unaccompanied children or orphan children.<sup>419</sup>

## 6. Family

In traditional families, decisions are usually made by male family members, and in particular, elders.<sup>420</sup> Social and

cultural taboos are the main reasons that many cases of domestic violence go unreported.<sup>421</sup> Consequently, acts of violence by family members against their children are rarely reported. Furthermore, many parents regard physical disciplinary punishment as a normal part of childhood.

The role of family members in child protection has been mentioned throughout this study—they provide guidance and counselling, are a main reference point for children to report cases of abuse or violence, and can provide alternative support when children have to be separated from their parents.

FGD were conducted in the Gaza Strip and the West Bank as part of this study. In Gaza, four FGDs were conducted by PCDR with 44 parents.<sup>422</sup> For these parents, 'protection' means ending the violence that their children might experience at home, school or in the neighbourhood and monitoring children's behaviour at school, on the street or at home. Parents said that they protect their children by taking care of them, offering them trust and safety, and monitoring them. These FGDs revealed a marked awareness by parents on their role in child protection. When asked whether they have ever received any help in solving their children's problems, only 30% replied that they have. Those receiving help said that they had shared experiences in workshops at community institutions, where often a counsellor offered advice. These parents also indicated that they had queried a school counsellor, a close friend, an institution that offers counselling services for children, or the Popular Committee of the camp.

**“When asked about gaps in services related to child protection, parents reported a shortage in sports clubs and places for entertainment.”**



When asked about gaps in services related to child protection, the parents reported a shortage in sports clubs and places for entertainment. They also refer to the lack of involvement of the local community in planning programmes and activities for children, and that activities implemented during the summer holidays are not enough to keep children “busy”.

When asked what services should be offered when a child is subjected to violence at school or home, the parents suggested advice and guidance for these children, the availability of sport and entertainment activities, and medical treatment. Parents said that existing services are offered to a limited number of children, and to those who live close to Family Centres.

As recommendations for improvements, the parents in the Gaza FGDs recommended home visits by counsellors, continued communication between families and institutions, increased activities and programmes for children, and a community needs assessment.

In the West Bank, one FGD was conducted in Kalandia Refugee Camp.<sup>423</sup> The parents unanimously identified the occupation as the main concern regarding the safety of their children, especially since the camp is located next to the main Israeli checkpoint connecting the West Bank to Jerusalem. The mothers reported that their children are very stressed and tense because of the daily Israeli military presence. Another major concern expressed during the FGD was the lack of safe places to play for the children in the refugee camp. This results in children having to play in the streets, which exposes them to abuse and violence and creates a tense atmosphere among the children themselves. Another concern identified was violence in schools; all mothers said that their children had either experienced or witnessed abuses, including corporal punishment.

It is striking to note that when asked how to protect their children, most of the mothers said that they do not know how to protect their children. More worrying is the fact that all 15 mothers responded that they do not receive any help at all when their children face problems. When asked to whom they would report a case, the mothers said they do not have anyone to whom they could go. On the other hand, mothers did mention the recent establishment of a protection committee consisting of parents, members of the Popular Committee, some other actors from different CBOs, NGOs, and a representative from MoSA.

In making recommendations on how to improve the situation, the mothers emphasized the need for safe and adequate places for playing (like youth centres), better health services, and awareness-raising sessions and protection-related workshops for mothers, fathers, and children.

## 7. Children's Perceptions

Two main issues arose in FGDs organized with children in the oPt: a lack of awareness about existing mechanisms and/or the need for trust with regard to the institutions in place, notably the police.

Children surveyed for the Save the Children Sweden Child Rights Situation Analysis confirmed the inefficiency of MoSA's child protection work in Gaza. In fact, although they listed the PA as the first actor that should be in charge of their protection, they did not seem to be aware of the existence of protection officers or protection centres.<sup>424</sup>

Psychological support was one of the very few services singled out repeatedly by children when asked what services are available in their community for children who have experienced violence, abuse, neglect, or exploitation.<sup>425</sup> On the other hand, according to the children, psychologi-



cal support for children in conflict with the law—notably ex-detainees—seems insufficient.<sup>426</sup> This might also derive from the general lack of awareness regarding available services in that field. (Children and their families tend to avoid seeking psychological support out of a fear of being stigmatized.)

In the context of the community-based child protection mechanisms supported by Save the Children Sweden and PCDCR in Gaza, children's sub-committees have been established in each community to increase participation in the decision-making process within the CPC, to improve communication between children and decision-makers, and to ensure a more child-friendly approach to protection issues.<sup>427</sup>

Children in conflict with the law voiced their wish to stay in the juvenile rehabilitation centres in both the West Bank and the Gaza Strip. This may derive from the fact that, although no official policy has been drafted by MoSA, social workers in those centres have developed their own internal chart including the rights, rules, and responsibilities of the children in the centre, which includes a list of (nonviolent) disciplinary measures.<sup>428</sup> Nevertheless, the problem remains that too few of these centres exist.

In FGDs organized in Gaza by PCDCR<sup>429</sup>, most children said that they feel happy at home, in school and in public parks. One of their biggest fears is being subjected to bombardment, shooting, and violence. A small number expressed feeling sad at school because they are subjected to violence and insults from their classmates.

As for persons they talk to when they feel sad or afraid, 80% answered that they talk to their parents, 50% said that they talk to a sibling, 65% stated that they talk to a teacher or school counsellor, and 60% answered that they talk to one of their relatives (uncle or aunt). The major-

ity of them said they only listen to their parents, school counsellor and teachers.

The children identified the more important elements of protection as medical treatment, awareness-raising sessions and the formation of committees to defend children's rights. They also emphasized the need for entertainment places, educational programmes for families, and work possibilities for their parents in order to help them meet their children's needs.

In the West Bank, five FGD with children were organized by DCI-Palestine.<sup>430</sup> Some children said that they feel unhappy at school because they are subjected to violence and abuse. Some reported that approaching the schools' principals to report abuse has resulted in being punished instead of helped. A major obstacle to stopping violence in schools is that often parents do not regard physical punishment by schoolteachers as a rights violation, but simply a form of discipline. Overall, children living in refugee camps are quite unhappy with their situation and do not regard the camp as a safe place. Many children stated that they will not feel safe anywhere as long as they live under occupation, since for them the Israeli occupation constitutes the main source of danger and risk. Ex-detainee children reported that Israeli soldiers had entered schools more than once and arrested, detained, and interrogated children. Some of the participants were arrested from school, and often rubber bullets and tear gas canisters were fired inside the school building. In making recommendations, the children asked for the strengthening of awareness-raising programmes, increasing entertainment programmes for children, and providing psychosocial support for children and parents.

# Syria and Jordan: A Brief Overview

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## 1. Introduction

The situation of Palestinian refugees in Syria and Jordan is commonly described as more favourable than that in Lebanon and the oPt in terms of status and treatment.<sup>431</sup> Palestinians in Jordan and Syria are comparatively integrated into the social and economic life of their host countries. However, they remain vulnerable.<sup>432</sup> This is particularly true for Palestinian refugees who recently fled Iraq to Jordan and Syria.

All Palestinian refugees in Jordan have full Jordanian citizenship with the exception of about 120,000 refugees originally from the Gaza Strip, which was administered by Egypt until 1967.<sup>433</sup> UNRWA coordinates with the Jordanian Government's Department of Palestinian Affairs as well as with the camps' improvement committees. The infrastructure of the camps is primarily the responsibility of the host government.<sup>434</sup>

While Palestinians in Syria do not carry the Syrian nationality, Palestinian refugees have access to Government services such as Government-run schools, universities and hospitals. Furthermore, they enjoy most of the residency,

social, and civil rights of Syrian nationals.<sup>435</sup> UNRWA's services complement those of the Syrian Government, which is primarily responsible for providing basic utilities in the refugee camps. UNRWA provides basic environmental health services, and it also cooperates with the General Administration for Palestine Arab Refugees, established in 1950 as a department within the Ministry of Labour and Social Affairs.<sup>436</sup>

Within these frameworks, Palestinian refugee children appear to have more access to protection in both Syria and Jordan than other places. Gaps tend to be related to weaknesses in the system as a whole rather than the specific situation of Palestinian refugees. It is important to clarify, however, that this is an assumption based on the overall status of refugees in these countries rather than on findings resulting from a comprehensive study on available protection mechanisms to Palestinian refugee children. Both countries are parties to the CRC.

## 2. Jordan

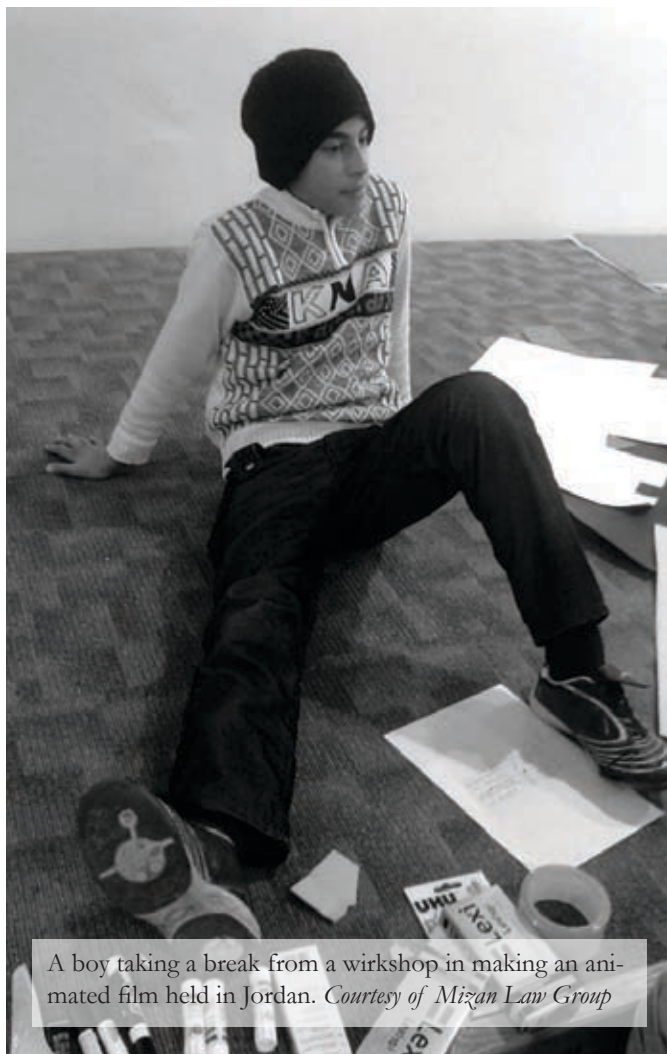
As noted in a 2006 study, Jordan's CPS is the most comprehensive and cross-sectoral of all examined systems in the Middle East.<sup>437</sup>

The relevant institutions with responsibility for child protection rely heavily on non-governmental structures. The National Family Affairs Council is identified as a semi-governmental body similar to the HCC in Lebanon. Its tasks are coordinating, monitoring and advocacy.<sup>438</sup> It is the 'umbrella organisation' for the Family Protection Project (FPP) that was established in 2002. The FPP has a coordination and advocacy role.<sup>439</sup> The division of labour between the two bodies is unclear, particularly in regards to coordinating implementation at the governorate and local levels.<sup>440</sup>

**“Palestinians in Jordan and Syria are comparatively integrated into the social and economic life of their host countries. However, they remain vulnerable.”**

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A boy taking a break from a workshop in making an animated film held in Jordan. *Courtesy of Mizan Law Group*

Furthermore, the key government bodies that have a direct mandate in the field of child protection are the ministries of Social Development, Labour, Health, Education, Justice, Planning and Awqaf as well as the Family Protection Unit. The latter is a police department within the Public Security Directorate and is directly connected

to social services offices that are part of the administration system in the Ministry of Social Development.<sup>441</sup>

While there is no comprehensive national system for the detection, reporting, referral and intervention for children who have experienced abuse, violence, neglect, and exploitation, a number of programmes in these fields do exist.<sup>442</sup> These have been referred to as examples of good practice for close collaboration between NGOs and successful, multi-sectoral child protection programming.<sup>443</sup>

Key institutions for the delivery of education services are the MoE and UNRWA. The Directorate of Social Defence and the Child Labour Unit at the Ministry of Social Development and the Ministry of Labour respectively play prominent roles in supporting juvenile delinquents, working children, children at risk and those exposed to violence.

Among the civil society groups that provide direct services to children and play a role in raising the awareness of the general public, as well as training professionals on children's rights and CRC is the National Centre for Human Rights. This centre was established to ensure independent monitoring of the CRC and to receive individual complaints from children. The Committee on the Rights of the Child regretted that the mandate of the centre is still limited in matters concerning the police and the military. Coordination mechanisms between NGOs and government structures remain limited.

Among issues of concern in Jordan is the lack of sufficient data on violence against children, children with disabilities, sexual exploitation of children, child trafficking, migrant, refugee and asylum-seeking children and children in conflict with the law. Additionally, due to social workers' limited role, the police usually act as a central contact point in cases of violence against children, child abuse

and maltreatment. In some cases, this may hinder children from contacting authorities because they are hesitant to talk to police officers.

### 3. Syria

The two main national governmental bodies that deal with child protection in Syria are the National Committee for Children, responsible for the protection of child rights, and the Higher Committee for Child Welfare, which is responsible for policy development and intra-governmental coordination. Both institutions have a very broad mandate but enjoy effective coordination between them. Their capacity to cooperate with CSOs, however, remains unclear and needs further research.<sup>444</sup>

In addition, a January 1998 order appointed full-time presidents of juvenile courts in each governorate to *inter alia* monitor the implementation of the CRC. Another decision by the MoJ in 1999 established judicial committees in each district to support the family and the child. This system created an extremely strong role for the MoJ in both interpreting the CRC and monitoring its implementation. However, there is no mention of service provision or referral to other ministries, such as the Ministry of Social Affairs and Labour, which would seem the obvious focal point for social protection and rehabilitation.<sup>445</sup>

The mandates of these three institutions (The Higher Committee for Child Welfare, presidents of juvenile courts, and judicial committees) appear to overlap. The Committee on the Rights of the Child noted that there is “a lack of coordination among these three mechanisms to ensure effective monitoring”.<sup>446</sup>

The Syrian Commission for Family Affairs, established in 2003 as a corporate body directly responsible to the Prime Minister, took much of the responsibility that had previously been bestowed upon the Higher Committee for Child Welfare. The 2006 Plan of Action for the Protection of Children drafted by this Commission includes a comprehensive cross-sector CPS spearheaded by the Syrian Commission of Family Affairs, with key roles assigned to many governmental ministries.<sup>447</sup> The effects of this framework still need to be examined and assessed.<sup>448</sup>

NGOs in Syria include charities, religious organisations, cultural and social associations, development organisations and trade unions. However, the NGOs are not truly independent, and human rights defenders and activists continue to be at risk of detention and harassment. A number of NGOs provide services to children at risk, mainly children with disabilities, juvenile delinquents and orphaned children. A more thorough scoping exercise is needed to assess the spectrum, impact and effectiveness of these NGOs in targeting their beneficiaries, as well as their knowledge and understanding of child rights programming.<sup>449</sup>

# Conclusion

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## 1. Lebanon

The situation for Palestinian refugees in Lebanon is quite unique. Based on the Cairo Agreement of 1969, a significant level of autonomy was granted to the refugee camps, even allowing the factions in them to be armed. To this today, Lebanese police and army do not have access to the vast majority of the camps, even though the Cairo Agreement was officially abrogated in 1987. Thus, the Lebanese state cannot ensure that available protection mechanisms, or even the rule of law in general, are enforced in the camps and consequently does not act in accordance with its responsibility as the main duty-bearer towards Palestinian refugees.

Within the camps, three types of groups share the “authority”: the political factions (parties), the Popular Committees (government), and the security committees (camp police). UNRWA has recently established the position of field protection officer, whose main tasks include monitoring and reporting on issues of physical safety and protection in the camps. This unit was established too recently to be reviewed adequately; nevertheless, it is definitely a step in the right direction. Here, it is important to summarize that the general shortcomings concerning child protection within UNRWA are that there is no comprehensive child protection document or policy—only general codes of conduct that are applicable to all UN employees—and the lack of coordination between UNRWA departments.

Law No. 422 is the main legislation on children in Lebanon. It regulates issues of protection, juvenile justice and child labour. However, this law contains several weak-

nesses in regard to both protection issues and protection mechanisms. Specifically, it does not clearly stipulate that cases of children’s rights abuses must be reported. UNICEF asserts that, given the gaps in the current law, a new child protection law should be envisaged in addition to amending Law No. 422. Nevertheless, the main issue remains whether this law actually covers Palestinian refugee children at all. In principle, Lebanese laws are applicable everywhere in Lebanese territory, yet the Palestinian refugee camps still have a special status that practically prevents Lebanese state institutions from actively enforcing its laws in the camps. The LPDC was created in 2005 and aims to improve the situation of Palestinian refugees in Lebanon and to facilitate communication and coordination between the Palestinian camps and the Lebanese authorities. However, research has shown that this committee is not sufficient for addressing this complex and challenging issue; therefore, a ministry for Palestinian Refugee Affairs should be set up in the Lebanese Government.

Despite the obstacle of enforcement, it does not seem that the national CPS currently has the capacity to adequately address cases involving Palestinian refugee children. Furthermore, no statistical or quantitative studies have ever addressed the issue of Palestinian child protection cases covered so far or to be covered by the various Lebanese state institutions in order to provide a definitive answer to this question.

International NGOs and local organisations are trying to fill this gap in the CPS by carrying out a series of projects and programmes focused on child protection. It is important to note that the spectrum of activities labelled under ‘protection’ can be very broad. For example, a number of NGOs are committed to awareness and social intervention activities to prevent and respond to child abuse, while other NGOs may also be implementing independent



**“A workshop organized with NGOs and CBOs in Lebanon showed that there are only a few services available to respond to existing child protection risks.”**

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shop organized with NGOs and CBOs in the context of this research showed that, while there are numerous awareness-raising campaigns undertaken to prevent child protection risks, there are only a few services available to respond to existing child protection risks.

In the absence of a national CPN or referral network, several mechanisms exist that vary in size, scope, and area of coverage. They exist only among limited groups of NGOs and in an informal manner. The most established and formalized referral system in Lebanon is the psychosocial and disability referral system set up by Handicap International, based on a mapping of all relevant organisations and institutions active in the refugee camps and gatherings. Over the years, it has developed into a system of reporting and referring cases in combination with conducting trainings. Certain challenges have been identified, like the need to have more NGOs specialized in protection and the need to create more shelters for children throughout Lebanon. This mechanism, unfortunately, is limited in scope, as it only concerns psychosocial and disability services. Nevertheless, it provides interesting lessons on the establishment of an overall referral system and could be used as a model for other areas.

protection interventions. Additionally, the work of such NGOs might be hampered by the individual governmental structure of each camp that may limit access or set up camp-specific mechanisms. What's more, the lack of coordination between NGOs is problematic, resulting in both duplication of certain activities, and gaps in protection services. A work-

## 2. Occupied Palestinian Territory

The situation of refugee children's rights in the oPt has to be looked at through the framework of occupation, annexation, and ongoing forced displacement. In 2010 alone, 396 Palestinian structures were demolished by the Israeli army and as a result, 561 Palestinians were displaced—including 280 children.<sup>450</sup> Some of them may have been victims of secondary displacement. In the shadow of the occupation, the major problem for Palestinian refugees is that the root causes for their displacement (military attacks, settler violence, settlements, residency rights revocation, etc.) are ongoing. As a result, not only is the just solution—the implementation of the right of return—seemingly unachievable, but the fear is eminent that those refugees will be further pushed away from their homes of origin.

While, on the one hand, it seems impossible to guarantee or ensure a certain level of child protection in this situation, on the other hand, it is all the more important to try to do so. It is also important to note here that after family members, the most commonly identified perpetrator of children's rights violations are the Israeli authorities, including Israeli/Jewish settlers.

Even though the State of Israel is the primary duty-bearer towards the Palestinian refugees (and the overall Palestinian population) in the oPt, in practice, Israel is not providing Palestinians with the protection required by international law. Israel's legal obligations apply to the entire territory over which it has sovereignty or exercises jurisdiction (i.e., Israel and the oPt). In the oPt, the PA has protection responsibilities towards the Palestinian population, but its ability to protect is constrained by the Israeli Occupying Power. The State of Israel, therefore, continues to hold the primary obligation to protect the Palestinian civilian population, including the refugee population.



Nevertheless, it is obvious that Israel is unwilling to do so. In East Jerusalem, where Israeli law applies, the laws are applied with such discrimination that Palestinian refugee children do not benefit from them at all; Israeli authorities are even perpetrators of children's rights violations. Therefore, it is imperative that the PA, along with international organisations such as UNRWA and Palestinian civil society, work within their power to fill that protection gap and ensure the availability of sufficient protection mechanisms for Palestinian refugee children in the oPt.

Possible tools to achieve this could include the Palestinian Child Law, which includes elements of the CRC, as well as child protection officers who serve as the focal points for child protection in the oPt. Fortunately, the PA has voluntarily endorsed the CRC and responded to criticism of the current Palestinian Child Law by drafting an amendment, in addition to drafting a Juvenile Justice Law. Many factors impair implementation of the Palestinian Child Law, however: Israeli measures restricting freedom of movement; lack of knowledge of some Palestinian judges and prosecutors; the law's non-applicability within religious courts or 'quasi-judicial' institutions like the *sulha*; and political conflict within the PA. (For example, the branches of the MoSA in the Gaza Strip and the West Bank are not cooperating with each other.) Additionally, the Palestinian Child Law requires supplementary regulations and policies in order to become effective.

Another shortcoming is that only two protection officers are allocated per governorate, which is simply not enough for this vitally important institution within the system of child protection. Another major problem that affects all workers in the field is that protection officers, school counsellors, and family unit police officers do not receive any form of counselling themselves.<sup>451</sup> This could easily result in overwork and lack of concentration. Moreover, the lack of existing child protection centres is a major ob-

stacle in implementing the Palestinian Child Law because only a very limited amount of children can effectively receive protection and support in such institutions.

**“This paper shows that children's rights violations of Palestinian refugees are an eminent problem throughout the Middle East. Overall, the primary duty-bearers are unwilling, and secondary duty-bearers are unable, to ensure a sufficient level of protection.”**

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Therefore, two main factors can be identified as the key obstacles to realizing the right to protection within the PA context. First, the legislative framework that regulates child protection at the domestic level is outdated, lacks crucial details, and does not fully incorporate international safeguards. Second, in practice there is weak enforcement of the existing laws and policies.

The referral system of the CPN could form a tie between civil society and the PA and help ensure child

protection. However, this network is not operational in the entire oPt and has many shortcomings, such as a lack of necessary centres for children to report violence and the lack of a proper documentation procedure at MoSA. In essence, the logistics still need to be formalized—especially apparent from the finding that less than half of the institutions working in child protection actually report cases of children's rights violations. As long as the system is not formalized, children protection will depend on the motivation, knowledge, and engagement of each individual social worker, protection officer, school counsellor, etc.

This is also the case for the UNRWA FOs in the West Bank and Gaza Strip, especially since no general protec-

tion system exists. The newly-initiated referral model for family protection—which includes child protection within certain refugee camps—is definitely a step in the right direction, however, it still needs to be fully developed. Major shortcomings of the system are that it was not allocated a budget and that long-time staff members have been trained instead of hiring new employees specialized in the field of protection. Furthermore, this system does not cooperate with the police; therefore it does not incorporate criminal investigations or law enforcement means. Nevertheless, the UNRWA referral system is still too new to be judged on its results.

It is important to note that deficiencies in child protection mechanisms do not only affect abused or neglected children, but also children in conflict with the law. There is no adequate juvenile justice system operational in the oPt, and arrested children are detained in adult prisons.

Parents, school counsellors, and police officers in the oPt do not regard violence for disciplinary reasons to be a child rights issue. Parents and children are also reluctant to report incidents because of shame, fear, social pressure, or ‘cultural’ boundaries that preclude seeking support or help outside the family. Some children simply have no knowledge about the mechanisms available for reporting.

Another problem is the lack of clear work manuals and job descriptions; this ambiguity leaves effective response dependent upon the individual spirit/capacity of the social worker/counsellor/officer who is dealing with the case. In addition, the almost nonexistent monitoring and follow-up procedures are major obstacles to achieving an adequate (refugee) CPS in the oPt.

Finally, there is a lack of communication among the different stakeholders. This is true on the ministerial level between the MoSA and the MoEHE, and in the field

between child protection officers and school counsellors. This networking gap became obvious during a workshop organized for both groups. Although the child protection officers knew each other, it was clear that the protection officers and school counsellors had never met before. Furthermore, not a single school counsellor has ever contacted a child protection officer and no child protection officer has ever visited a school. The outcome of this workshop resulted in organizing an emergency meeting on the ministerial level in order to discuss how these two crucially important groups in child protection can cooperate efficiently with each other.<sup>452</sup>

### 3. Overall Conclusion

To conclude, this paper shows that children’s rights violations of Palestinian refugees are an eminent problem throughout the Middle East. Key perpetrators identified are family members and, in the case of the oPt, the Israeli army and Israeli/Jewish settlers. Overall, the primary duty-bearers are unwilling to ensure a sufficient level of protection. Thus, the Lebanese government as well as the Israeli Occupying Power do not adequately implement protection policies for Palestinian refugees. In the case of secondary duty-bearers, the PA is often unable to ensure protection, in particular in Area ‘C’ of the West Bank and in East Jerusalem. UNRWA lacks a clear protection mandate, and NGOs and CBOs lack the financial strength, human resources, and proper coordination to fill the gap. Children in need often do not find a place or institution to turn to. Nevertheless, it is important to emphasise that many good steps are in process: the PA is drafting and amending the Palestinian Child Law and the Juvenile Justice Law, and UNRWA is establishing a model referral system in its West Bank FO.



# Recommendations

Two main elements must be kept in mind while considering those recommendations.

The approach in terms of CPS does not mean that all components and levels of a CPS must be considered and acted upon simultaneously to improve child protection for Palestinian refugee children. Various interventions can be implemented on a short-term, mid-term, or long-term timeline in order to produce effects on the ground. While any action at a certain level of a CPS must be seen in relation to the other levels and actors, each of these actions is valuable within its own scope of influence.

Also, the absence of a specific child protection policy for a given stakeholder does not preclude it from adopted commendable practices that could be replicated elsewhere. For example, although there is a lack of a child protection framework within UNRWA, interesting processes and programmes that contribute to improved protection of Palestinian refugee children could still be imitated by other organisations.

Considering the above, the following main recommendations are submitted according to each key level/actor of a CPS.

## 1. Regional Perspective

### UNRWA at the Headquarter Level

- ▶ Draft a Child Protection Policy following the adoption of the “Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery”. This is necessary due to: 1) the failure of the UNRWA technical instructions to provide an efficient child protection framework; 2) the need to support the existing initiative to create a referral system through the Health Department in the West Bank FO; and 3) the development of ad hoc referral processes by committed UNRWA staff in various FOs. This could require a sensitization of senior policy makers within UNRWA.
- ▶ Create a mechanism or a forum to ensure coordination and exchange of best practices among FOs and UNRWA programmes. This should be done following the decision to adopt a more integrated approach throughout the UNRWA system.
- ▶ Establish a monitoring and oversight system to ensure that FOs adopt the required measures and protocols to implement the decisions taken at the HQ level. This system should monitor the adoption of the protocols relevant to address protection issues specific to that particular FO as suggested in the “Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery.”
- ▶ Conduct a comprehensive study on the application and interpretation of the technical instructions, in particular the ETI 1/2008 on the monitoring and reporting mechanisms to address violence in schools.

## International NGOs and Relevant Partners

- ▶ Conduct a comprehensive study on available CPS for Palestinian refugee children in Jordan and Syria.
- ▶ The international community should ensure that universal periodic monitoring of Lebanon or Israel (or the PA, if applicable) includes recommendations specifically concerning Palestinian refugee children, and monitor the implementation of these recommendations in partnership with the respective government.
- ▶ UNRWA, UNHCR and other relevant bodies should clarify respective mandates and division of protection and assistance roles, in order to develop uniform and effective temporary protection for all Palestinian refugees in the region in accordance with the international standards.
- ▶ Donor- states and- organisations should increase and provide sufficient contributions to the UNRWA General Fund in line with the average annual growth rate of the refugee population. Additionally, donors should prioritise programs that meet international standards of protecting Palestinian refugees.

## 2. National Perspective

### UNRWA at the Field Office Level

- ▶ Adopt implementation measures and protocols for the implementation of the ETI 1/2008 and the UNRWA protection standards tool.
- ▶ Establish a forum or a mechanism to ensure proper coordination between UNRWA and NGOs and CBOs.
- ▶ Conduct trainings of UNRWA staff in detection of cases of abuse, violence and neglect.

### UNRWA Lebanon Field Office

- ▶ Conduct trainings on how to refer cases under Law No. 422.

### UNRWA West Bank Field Office

- ▶ Strengthen the model referral system by allocating sufficient funds and employing professional employees who are trained in child protection issues.
- ▶ Cooperate with the PA police regarding children's rights violations, in particular including them in the model referral system.



## **UNRWA Gaza Strip Field Office**

- ▶ Strengthen and expand the application of the UNRWA Respect and Discipline Initiative and the UNRWA Special Children Needs Initiative.

## **Lebanese Authorities**

- ▶ Eliminate the practical obstacles of the application of Law No. 422 in the camps.
- ▶ Ensure a link between the CPS structures in Lebanon and the Palestinian refugee environment, mainly by guaranteeing access of Palestinian refugee children to the Social Development Centres and by minimizing staff turnover at those institutions.
- ▶ Integrate a child protection dimension in the new governance model for camps that was developed in Nahr el-Bared Refugee Camp.
- ▶ Conduct a comprehensive study through the central administration for statistics in Lebanon to create a baseline for data on Palestinian refugee children, similar to the one conducted in 2003 by the Palestinian Central Bureau of Statistics.
- ▶ Create a ministry for Palestinian refugee affairs, merging the structure of the LPDC and the newly created mandate on Palestinian refugees within the government.

## **Israeli Authorities**

- ▶ The State of Israel should immediately ensure its compliance with all treaties and conventions concerning children's rights that it has signed and ratified by acknowledging their application in the oPt.
- ▶ The State of Israel should not apply military law to Palestinian (refugee) children.
- ▶ The State of Israel should not apply its laws and policies in a discriminatory manner against Palestinian children in East Jerusalem.

## **Palestinian Authority**

- ▶ Re-establish coordination between West Bank and Gaza institutions.
- ▶ Organize conferences and workshops between relevant actors in child protection operating in the field (in particular, child protection officers, school counsellors, family unit police officers, and lawyers).

- ▶ Adopt the amended Palestinian Child Law and the Draft Juvenile Justice Law, and provide training for judges and prosecutors in these fields.
- ▶ Create clear work manuals and job descriptions for all relevant stakeholders operating in the field of child protection in order to guarantee a certain level of protection throughout the oPt, regardless of who is specifically dealing with a case of children's rights violation.
- ▶ Expand the existing child protection centres, in addition to building new ones.
- ▶ Employ sufficient child protection officers or trained assistants relative to the number of inhabitants of the specific area of operation.
- ▶ Widen the referral system to all districts in the oPt and make it mandatory for all institutions, including private organisations operating in the field of child protection.
- ▶ Design a database that covers all children's rights violations in order to record, monitor, and build adequate response mechanisms, and in order to enhance the referral system.
- ▶ Ensure that traditional or informal quasi-judicial mechanisms—although important in their application and social dimension—do not contradict or undermine modern standards of child protection.
- ▶ Eliminate contradictions in the laws and policies regarding the definition of a child.

### **Civil Society Organizations**

- ▶ Enhance coordination and cooperation to avoid duplication of activities, such as in the field of prevention and raising awareness about child protection for Palestinian refugee children.
- ▶ Build capacity in child protection for NGOs/CSOs/CBOs involved in this field.
- ▶ Expand current care shelters and provide more safe places for Palestinian refugee children in need of protection.
- ▶ Civil Society Organizations in Lebanon
- ▶ Increase services in gatherings and implement child protection mechanisms in those gatherings.
- ▶ Integrate the new initiatives of protection and child protection by certain NGOs into the work of other NGOs. This involves linking CPNs with the child protection focal points and the CFP that are currently being established.

### **Civil Society Organizations in the oPt**

- ▶ Commit fully to the referral system and report all cases of children's rights violations.
- ▶ Recognize collectively that the child protection officer serves as the focal point for child protection.
- ▶ Organizing trainings and workshops to educate all relevant organisations in applicable protection mechanisms, including the referral system.

## **3. Local Perspective**

### **On Community**

- ▶ Work more closely with communities in refugee camps, since they constitute the immediate layer for a direct impact on children in need of protection.
- ▶ Create channels of communication with the governance structures in the camps and train them on child protection.
- ▶ Train traditional and/or religious actors in modern child protection standards.
- ▶ Raise awareness within the community about child abuses and the means to combat them. This could be done by organizing workshops or training sessions in community centres.

### **On Family**

- ▶ Provide more guidance and counselling, especially for the elderly as they are considered by many children to be a source of comfort and reference.
- ▶ Disseminate information on existing mechanisms and service providers to parents.
- ▶ Involve family members in the children counselling sessions.
- ▶ Establish councils or committees of parents in order for them to play a role in conflict resolution and child protection.

### **On Children**

- ▶ Design mechanisms to ensure Palestinian refugee children's participation in matters of child protection.
- ▶ Emphasize empowering children so that they can take an active role in seeing that their rights are respected.

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# Endnotes

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<sup>1</sup> BADIL, “Palestinian Refugee Children, International Protection and Durable Solutions” (2007), pg. 5.

<sup>2</sup> BADIL, “Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009” (2009), pg. 56.

<sup>3</sup> BADIL, “Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009” (2009), pg. 57.

<sup>4</sup> For studies on this issue, see for example: For Lebanon, Uglund, ed., “Difficult Past, Uncertain Future. Living Conditions Among Palestinian Refugees in Camps and Gatherings in Lebanon”, Institute of Applied Social Science, FAField Office, Report 409 (2003); Knudsen, “The Law, the Loss and the Lives of Palestinian Refugees in Lebanon”, CMI Working Paper (2007); Michelsen Institute, “Amnesty International, Lebanon: Limitations on Rights of Palestinian Refugee Children”, Briefing to the Committee on the Rights of the Child, 42nd session of the Committee on the Rights of the Child (the Committee), May-June 2006. For oPt, Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory” (2008); Institute of Community and Public Health Birzeit University & National Plan of Action Secretariat, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” (2006); Save the Children UK, “Child Rights Fact Sheet, Occupied Palestinian Territory” (2007); Save the Children Sweden, “Fact Sheet - Palestinian Child Detainees” (2009).

<sup>5</sup> See Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon” (2009), pg. 18.

<sup>6</sup> See for example, BADIL, “Survey of Palestinian Refugees and Internally Displaced Persons” (2003), pg. 33. See also Badran, “The Role of UN-RWA: Refugee Statistics and UN Resolutions”, in Palestinian Refugees: Old Problems - New Solutions, Joseph Ginat and Edward Perkins (ed), Sussex Academic Press, 2001, pg. 255-263.

<sup>7</sup> UNICEF, “Guaranteeing the Well-Being of Palestine Refugee Children: Child Protection and children’s rights - missing links?”, Paper prepared for the UNRWA Conference: Meeting the Humanitarian Needs of the Palestine Refugees in the Near East - Building Partnerships in Support of UNRWA (2004), pg. 6. See also for example, Institute of Community and Public Health Birzeit University & National Plan of Action Secretariat, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” (2006), pg. 4; ECHO Beirut office, “The Status and Situation of Palestinian Refugees in Lebanon - A Review of Current Documentation” (2008), pg. 2.

<sup>8</sup> Workshop on UNHCR and Child Protection Systems, Beirut, Lebanon, 6-8 October 2009.

<sup>9</sup> BADIL, “Closing Protection Gaps - Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention” (2005), pg. Xxviii.

<sup>10</sup> Article 1A.2, n. 1 of the 1951 Refugee Convention.

<sup>11</sup> UNRWA and UNHCR, “The United Nations and Palestinian Refugees” (2007), pg. 5-6.

<sup>12</sup> UNICEF, “Child Protection Strategy”, United Nations Children’s Fund Executive Board Annual session 2008, United Nations E/ICEF/2008/5/Rev.1, Economic and Social Council (2008), pg. 4-5, § 12.

<sup>13</sup> Daro Wulczyn et al., “Adapting a systems approach to child protection: key concepts and considerations”, UNICEF Working Papers (2010), pg. 1.

<sup>14</sup> Ibid., pg. 5; See for an application of the concept of CPS by an UN agency, Draft Summary of the Regional Workshop UNHCR and Child Protection Systems Middle East and North Africa Region, Beirut (2009), on file with the author.

<sup>15</sup> As illustrated during the UNHCR Regional Workshop which was held in Beirut in October 2009, “Child protection remains a concept for which confusion exists and that is understood differently depending on the actor concerned”. Consequently, “Many stakeholders are still not aware that they are actually involved in child protection or do not integrate child protection approach in their work”. See Draft Summary of the Regional Workshop UNHCR and Child Protection Systems Middle East and North Africa Region, op. cit., pg. 11.

<sup>16</sup> For example, the Danish Refugee Council defines “protection” as all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law. Protection is about the ‘safety, security, dignity and integrity of civilians.’ See



Danish Refugee Council (Sharar), “Community Perspectives on Protection: A Knowledge, Attitudes and Practices Analysis of Palestinian Communities in Southern Lebanon” (2009), pg. 4, footnote 2. With regard to the specific mandate of UNRWA, “protection is what UNRWA does to safeguard and advance the rights of Palestine refugees”. See UNRWA Medium Term Strategy, 2010-2015, § 49; and UNRWA, “Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery” (2010), pg. 4, on file with the author.

<sup>17</sup> This challenge was also highlighted in the recent “Knowledge, Attitudes and Practices Analysis” conducted by the Danish Refugee Council, see Danish Refugee Council (Sharar), “Community Perspectives on Protection: A Knowledge, Attitudes and Practices Analysis of Palestinian Communities in Southern Lebanon”, op. cit., pg. 29.

<sup>18</sup> Daro Wulczyn et al., “Adapting a systems approach to child protection: key concepts and considerations”, op. cit., pg. 18.

<sup>19</sup> Exchange of electronic correspondence with Anne Nixon (13 December 2009).

<sup>20</sup> See for example Save the Children-Sweden & United Nations Children’s Fund, “Field Study on Mapping and Assessment of Service Providers in the Field of Violence and Abuse”, Report Pre-Final (2009), on File with the author.

<sup>21</sup> Interview with DRC Representative (17 November 2009); and interview with Handicap International representatives (26 November 2009).

<sup>22</sup> The United Nations Convention on the Rights of the Child of 1989.

<sup>23</sup> See for example, UNRWA, “Promoting the Well-being of the Palestine Refugee Child”, Discussion Paper - Working Group I, Meeting the Humanitarian Needs of the Palestine Refugees in the Near East: Building Partnerships in Support of UNRWA, Geneva Conference 7-8 June 2004 (2004), pg. 5. The two Optional Protocols to the CRC, respectively on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, instruments set out specific obligations regarding particular protection issues.

<sup>24</sup> For an articulation between the provisions of the CRC and the notion of Child Protection, see Save the Children’s definition of ‘Child Protection’ at <http://sca.savethechildren.se/PageFiles/3189/child%20protection%20definition%20SC.pdf> (last accessed 29 July 2011).

<sup>25</sup> CRIN, “Children’s Rights: A Guide to Strategic Litigation”, (2009), pg. 6.

<sup>26</sup> International conference, “Convention on the Rights of the Child: From moral imperatives to legal obligations. In search of effective remedies for child rights violations”, Geneva, 12-12 November 2009, Conference Report at [http://www.crin.org/docs/Conference\\_Report\\_EN\\_%20low.pdf](http://www.crin.org/docs/Conference_Report_EN_%20low.pdf) (last accessed 29 July 2011)

<sup>27</sup> International conference, “Convention on the Rights of the Child: From moral imperatives to legal obligations. In search of effective remedies for child rights violations”, Geneva, 12-12 November 2009, Conference Report at [http://www.crin.org/docs/Conference\\_Report\\_EN\\_%20low.pdf](http://www.crin.org/docs/Conference_Report_EN_%20low.pdf) (last accessed 29 July 2011).

<sup>28</sup> See also among others the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules).

<sup>29</sup> See Report of the Independent Expert for the United Nations Study on Violence Against Children, A/61/299, 26 (2006).

<sup>30</sup> See for Lebanon, Committee on the Rights of the Child, Concluding observations: Lebanon, adopted on 2 June 2006, CRC/C/LBN/CO/3, 8 June 2006, paras. 7 and 73. The Committee also adopts General Comments to clarify the scope and content of certain articles of the CRC.

<sup>31</sup> The Special Rapporteurs on the sale of children, child prostitution and child pornography, the Special Rapporteur on trafficking in persons, especially in women and children, and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. The General Assembly resolution A/RES/62/141 of 18 December 2007 established the post of Special Representative of the Secretary-General on violence against children.

<sup>32</sup> See for example, for the review of Israel: Compilation prepared by the OHCHR, in accordance with paragraph 15 (b) of the Annex to the Human Rights Council Resolution 5/1: Israel, A/HRC/WG.6/3/ISR/2, 25 September 2008; and UPR, Report of the Working Group on the Universal Periodic Review: Israel, A/HRC/10/76, 8 January 2009.

<sup>33</sup> See for example, UNRWA’s Role and Mandate in Protection of Palestinian Refugees, Paper delivered by B. Scott Custer, Jr., Chief, International Law Division, Department of Legal Affairs, United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), at a Symposium entitled “Basic Rights of Palestinian Refugees in Host Countries: Reality and Responsibilities” organised by Aidun Group (Syria & Lebanon) in cooperation with the General Administration for Palestinian Arab Refugees/Syria (GAPAR), Damascus, 12-14 December 2005, 13

December 2005 (on file with the author); Michael Kagan, “Is there Really a Protection Gap? UNRWA’s Role vis-à-vis Palestinian Refugees, Refugee Survey Quarterly, January 2010, 28 (2-3), pg. 511-530; and Addressing the ‘Protection Gap’: UNRWA, UNHCR and the Palestine Refugees, Internal Document, January 2004, Policy Analysis Unit UNRWA, HQ.

<sup>34</sup> The UNCCP was established by the UN General Assembly Resolution 194(III) of 11 December 1948, paragraph 2, based on a recommendation by the United Nations Mediator on Palestine.

<sup>35</sup> The UNRWA was established as a subsidiary organ of the General Assembly, by the UN General Assembly Resolution 302(IV) of 8 December 1949.

<sup>36</sup> The UNCCP was mandated with the tasks inter alia to “facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation” and following the UN General Assembly Resolution 394(V) of 14 December 1950 to protect the rights, properties and interests of the Palestinian refugees.

<sup>37</sup> The UNRWA was created to “carry out (...) direct relief and works programmes” and operates in five areas of operations (Jordan, Lebanon, the Syrian Arab Republic, the West Bank and Gaza Strip). See UN General Assembly Resolution 302(IV) of 8 December 1949.

<sup>38</sup> This latter consequence turned to be less problematic given the fact that the main protection offered through the 1951 Convention - i.e. the principle of non-refoulement - was not at stake in the Arab states.

<sup>39</sup> This is so through a combination of paragraph 7(c) of UNHCR’s Statute and article 1D para 1 of the 1951 Convention. See Guy Goodwin-Gill, “Preface to Closing Protection Gaps - Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention”, op. cit., pg. vi.

<sup>40</sup> Susan M. Akram, “Palestinian refugees and their legal status: rights, politics and implications for a just solution”, Journal of Palestine Studies, Vol.31, No3, spring, 2002, p.41-42.

<sup>41</sup> UNCCP continues to function till today; however, the main (and only) activity of the Organisation is to collect information on Palestinian refugees’ property.

<sup>42</sup> Akram and Goodwin-Gill, “Brief Amicus Curiae” submitted to the United States Department of Justice Executive Office for Immigration Review, Board of Immigration Appeals, Falls Church, Virginia, 1999, in The Palestine Yearbook of International Law 2000-2001, Vol. XI, Kluwer Law International, 2000/2001, pg. 196.

<sup>43</sup> See UNRWA website at [www.unrwa.org](http://www.unrwa.org) (last accessed 29 July 2011).

<sup>44</sup> See UNCCP, “Progress Report of the United Nations Conciliation Commission for Palestine”, UN Doc. A/1985, 1951 and Susan A. Akram, “Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution”, Journal of Palestine Studies, Vol. XXXI, No. 3 (Spring 2002), pg. 36-51. See also BADIL, Closing Protection Gaps - Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention, op. cit., pg. 45-46.

<sup>45</sup> UNCCP, “Progress Report of the United Nations Conciliation Commission for Palestine”, UN Doc. A/1985, 1951.

<sup>46</sup> See Akram, “Palestinian Refugees and Their Legal Status: Rights, Politics, and Implications for a Just Solution”, Journal of Palestine Studies, Vol. XXXI, No. 3 (Spring 2002), pg. 36-51.

<sup>47</sup> For the oPt this group includes Palestinian refugees who have never been eligible to UNRWA assistance or those who are no longer eligible for assistance.

<sup>48</sup> See UNHCR Statement on Article 1D of the 1951 Geneva Convention, Issued in the context of the preliminary ruling reference to the Court of Justice of the European Communities from the Budapest Municipal Court regarding the interpretation of Article 12(1)(a) of the Qualification Directive, May 2009. See also for the previous UNHCR position on that matter UNHCR Note on the Applicability of Article 1D of the 1951 Convention relating to the Status of Refugees to Palestinian refugees (2002) at <http://www.unhcr.org/refworld/pdfid/3da192be4.pdf> (last accessed 29 July 2011).

<sup>49</sup> See BADIL, “Survey of Palestinian Refugees and Internally Displaced Persons” (2003), op. cit., pg. Xviii.

<sup>50</sup> The United Nations Relief for Palestine Refugees (UNRPR) was established in November 1948, by the United Nations to extend, in addition to other international non-governmental organisations, aid and relief to Palestinian refugees and coordinate efforts of NGOs and other UN bodies.

<sup>51</sup> James G. Lindsay, “Fixing UNRWA - Repairing the UN’s Troubled System of Aid to Palestinian Refugees”, Washington Institute for Near East Policy, Policy Focus #91, (2009), pg. 13.

<sup>52</sup> For further detailed information about those programmes, visit the UNRWA website <http://www.un.org/unrwa/programmes/index.html> (last accessed 29 July 2011). In 1991, it also initiated a microfinance programme helping small enterprises through the Microfinance and Microenterprise Programme (MMP). Finally it created the “Infrastructure and Camp Improvement unit”. UNRWA Public Information Office, General Fund Appeal, 2008–2009 (Gaza City: UNRWA, ca. 2007), pg. 31. Available at [www.un.org/unrwa/publications/pubs07/GF-20082009.pdf](http://www.un.org/unrwa/publications/pubs07/GF-20082009.pdf) (last accessed 29 July 2011)

<sup>53</sup> UNRWA website at <http://www.unrwa.org/etemplate.php?id=87> (last accessed 29 July 2011)

<sup>54</sup> UNRWA website at [www.unrwa.org](http://www.unrwa.org) (last accessed 29 July 2011)

<sup>55</sup> UNRWA website [www.unrwa.org](http://www.unrwa.org) (last accessed 29 July 2011)

<sup>56</sup> See Terry Rempel, “UNHCR, Palestinian Refugees, and Durable Solutions”, BADIL Information and Discussion Brief No. 7 (2002).

<sup>57</sup> See UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011)

<sup>58</sup> Letter addressed to Karen Koning Abu Zayd Commissioner-General UNRWA HQ-Gaza (31 December 2007).

<sup>59</sup> Under this definition: “Palestine refugees are persons whose normal place of residence was Palestine between June 1946 and May 1948, who lost both their homes and means of livelihood as a result of the 1948 Arab-Israeli conflict.”

<sup>61</sup> See UNRWA, “Consolidated Eligibility and Registration Instructions”, (2002), point 4.2.6, pg. 6. On this issue, see M. Cervenak, “Promoting Inequity; Gender-Based Discrimination in UNRWA’s Approach to Palestine Refugee Status,” Human Rights Quarterly, Vol. 16, (1994), pg. 300. See also James G. Lindsay, op. cit., pg. 25.

<sup>62</sup> UNRWA, “Consolidated Eligibility and Registration Instructions”, (2006), pg. 2.

<sup>63</sup> See UNRWA, “Medium Term Strategy 2010 - 2015” (2010), pg. 23 at [www.unrwa.org](http://www.unrwa.org) (last accessed 29 July 2011).

<sup>64</sup> Idem.

<sup>65</sup> In specific circumstances when the security and human rights of the Palestinian refugees were under particular threat (These mainly occurred in oPt and in Lebanon, see on this, Harish Parvathaneni, op. cit., pg. 16-17), or in UNRWA day to day work when delivering services (Ibid. See also “Promoting the Well-being of the Palestine Refugee Child”, op. cit., pg. 19, endnote 4).

<sup>66</sup> Interview, 8 February 2010.

<sup>67</sup> See UNRWA, “Medium Term Strategy, 2010-2015 (2010)”, § 49.

<sup>68</sup> UNRWA, “Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery” (2010), pg. 5-6, on file with the author.

<sup>69</sup> Consultancy for UNRWA, op. cit., pg. 1.

<sup>70</sup> UNRWA, Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery, 1 February 2010, pg. 5-6, confidential, on file with the author.

<sup>71</sup> UNRWA Consolidated Eligibility & Registration Instructions (2009)

<sup>72</sup> Common Standard 5 reads as follows; “All UNRWA personnel react appropriately to incidences of human rights and IHL abuses through accessing internal reporting mechanisms that, to the greatest extent possible, provide response through UNRWA programming options and/or referral to other agencies”.



<sup>73</sup> Interview, 22 October 2009.

<sup>74</sup> The Programme Coordination and Support Unit coordinates between UNRWA's fields of operation and HQ programme departments and support services. It serves as a focal point for policy and strategy development as well as quality assurance. The unit's task is introducing the Programme/Project Cycle Management methodology into UNRWA's operations, which is meant to strengthen the Agency's capacity for strategic planning, integrated programming and operational policy

<sup>75</sup> UNRWA, "Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery" (2010), pg. 19-20, on file with the author.

<sup>76</sup> Interview with Head of UNRWA West Bank Field Office, 25 January 2010.

<sup>77</sup> See UNRWA, "Medium Term Strategy 2010 - 2015", pg. 34.

<sup>78</sup> Email by the UNRWA Senior Protection Policy Adviser in the Department of Legal Affairs in Jerusalem HQ of 12 December 2009.

<sup>79</sup> Interview with UNRWA representative in Jerusalem HQ, 11 February 2010.

<sup>80</sup> UNRWA, "Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery" (2010), pg. 6, on file with the author.

<sup>81</sup> Interview with Senior Protection Coordinator at Jerusalem UNRWA HQ, 11 February 2010.

<sup>82</sup> Interview with UNRWA representative in Jerusalem HQ, 11 February 2010.

<sup>83</sup> UNRWA, "Tool for Incorporating Minimum Standards on Protection into UNRWA Programming and Service Delivery" (2010), pg. 6, on file with the author.

<sup>84</sup> UNRWA must also follow the instructions and measures set out in the guidelines adopted by the Secretary-General. See Secretary-General's Bulletin: Special Measures for Protection from Sexual Exploitation and Sexual Abuse, ST/SGB/2003/13, 9 October 2003.

<sup>85</sup> Education Department Guidelines towards Corporal Punishment in UNRWA Schools and Training Centers, ETI No. (1/2003), Education Department, Guidelines towards Corporal Punishment in UNRWA Schools and Training Centers, October 2003.

<sup>86</sup> UNRWA, Department of Education, Education Technical Instruction establishing discipline in a violence-free educational environment, ETI 1/2008, Amman, Headquarters, July 2008.

<sup>87</sup> These responsibilities include ensuring that all staff is aware of these guidelines, that incidents are monitored and followed-up, organizing trainings and regular reporting.

<sup>88</sup> Corporal punishment is defined as any punishment involving the application of physical force or the issuance of orders or instructions to a student with the intention of causing physical pain, discomfort or humiliation. Corporal punishment is also defined by a non exhaustive description of a number of forms of corporal punishment as well as any forms of punishment or treatment of students that undermine their dignity, or which are degrading or humiliating. See Department of Education, Education Technical Instruction establishing discipline in a violence-free educational environment, ETI 1/2008, op. cit., pg. 5.

<sup>89</sup> See UNRWA, Department of Education, Respect and Discipline in UNRWA Schools, School Discipline Guidelines (2009), on file with the author.

<sup>90</sup> Terre des hommes, "A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon", op. cit., pg. 14.

<sup>91</sup> Save the Children Sweden, "Children's Rights Situation Analysis Lebanon", op. cit., pg. 123-124. See also Save the Children Sweden, "Corporal Punishment in Lebanon - The Role of the Public Administration in Implementing a Ban on Corporal Punishment in Schools in Lebanon", (2005), pg. 72-75.

<sup>92</sup> Save the Children Sweden, "Corporal Punishment in Lebanon", op. cit., pg. 71.

<sup>93</sup> Idem.



<sup>94</sup> Interview with Emily David, UNRWA Operations Support Officer in Tyre, 6 November 2009.

<sup>95</sup> See UNRWA Department of Health, “Provision of Child Health Care”, Technical Instructions Series No. HD/FH/2/2000 (2000). These are very technical instructions addressing the check-up procedures for infants and young children with a focus on detection of health warnings. See also Technical Instructions Series No. HD/HPP/04/2005. UNRWA Department of Health, August 2005, which forms the basis of the UNRWA’s School Health Program.

<sup>96</sup> The only section of the Technical Instructions Series No. HD/FH/2/2000 in which detection of abuse is tangentially addressed is under case assessment for children who are not gaining weight properly. One of the steps in case assessment is a home visit to the family by the nurse to explore the social factors. However, the procedures do not address what needs to be done should the nurse detect abuse or neglect. As for the Technical Instructions Series No. HD/HPP/04/2005, while a School Health Programme may serve as the first line of detection of physical or sexual abuse or neglect, UNRWA’s technical instructions for its school health programme do not explicitly mention abuse. The only possible ground for action in this regard could be the section of the technical instructions on Follow-up on Children with Special Health Needs could be used to address abuse/neglect cases. See, Institute of Community and Public Health Birzeit University, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services”, op. cit., pg. 40.

<sup>97</sup> A detailed illustration of this referral system will be discussed in the chapter on Palestine.

<sup>98</sup> Institute of Community and Public Health, Birzeit University, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services”, op. cit., pg. 38.

<sup>99</sup> In this regard, the Optional Protocol on the involvement of children in armed conflict covers a particular situation of children being recruited into armed forces or participating in hostilities.

<sup>100</sup> See for example Resolutions 1261 of 25 August 1999, 1314 of 11 August 2000, 1379 of 20 November 2001, 1460 of 30 January 2003, 1539 of 22 April 2004, and 1882 of 4 August 2009.

<sup>101</sup> See the work of the United Nations Special Representative of the Secretary-General for Children and Armed Conflict, “Ending Abuses against Children in War” (2006) at <http://www.international.gc.ca/cippic/assets/pdfs/library/Ending%20Abuses%20against%20Children%20in%20War.pdf> (last accessed 29 July 2011), pg. 5-6.

<sup>102</sup> ICRC’s role in assisting and protecting Palestinian refugee was recognized in 1949 when UNRWA was created. See § 2 of United Nations General Assembly Resolution 302 (IV) of 8 December 1949.

<sup>103</sup> DCI-Palestine, power point presentation (2011), on file with author.

<sup>104</sup> International Crisis Group, “Nurturing Instability: Lebanon’s Palestinian Refugee Camps, Middle East Report N°84” (2009), pg. 1.

<sup>105</sup> UNRWA website at <http://Www.Un.Org/Unrwa/Publications/Index.Html> (last accessed 29 July 2011).

<sup>106</sup> See Chiha, “Briefing note on non-ID Palestinian refugees living in Lebanon”, Briefing Note No. 01 May 2007 (2007).

<sup>107</sup> Interviewed by Terre des hommes with Danish Refugee Council representative. See Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon”, op. cit., pg. 1. See also Danish Refugee Council, “A Survey Report on the Situation of non-ID Palestinian Refugees Lebanon DRC” (2007).

<sup>108</sup> Hillenkamp, “Briefing Note on the Challenges of Palestinian Education, Lebanese-Palestinian Dialogue Committee”, pg. 2.

<sup>109</sup> UNRWA’s Health Department Consistence with the standards set out in CRC in the Lebanon Field Office, HL/820/11/A, 10 (2009).

<sup>110</sup> See Norwegian Refugee Council (Urgence), “Needs Assessment in the Palestinian Gatherings of Lebanon - Housing, Water and Sanitation” (2009).

<sup>111</sup> See Danish Refugee Council, “Needs Assessment of Palestinian Refugees in Gatherings in Lebanon DRC” (2005).

<sup>112</sup> Living conditions between official camps serviced by UNRWA and gatherings differ dramatically with the latter being largely neglected. See Norwegian Refugee Council (Urgence), “Needs Assessment in the Palestinian Gatherings of Lebanon - Housing, Water and Sanitation” (2009).

- <sup>113</sup> BADIL, “Handbook on Protection of Palestinian Refugees” (2005), pg. 15.
- <sup>114</sup> Elsayed, “Palestinian refugees in Lebanon”, Forced Migration Review (2006), pg. 14.
- <sup>115</sup> Egset, “Finding mean UNRWA’s Financial Crisis Vol. 2” (2003), pg. 36.
- <sup>116</sup> BADIL, “Handbook on Protection of Palestinian Refugees” (2005), pg. 15.
- <sup>117</sup> Knudsen, “The Law, the Loss and the Lives of Palestinian Refugees in Lebanon”, CMI Working Paper. CHR. Michelsen Institute (2007) , pg. 9.
- <sup>118</sup> See on this question International Crisis Group, “Nurturing Instability: Lebanon’s Palestinian Refugee Camps, Middle East Report N°84” (2009), op. cit., pg. 4 and 16; and Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon” (2008), op. cit., pg. 57.
- <sup>119</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon” (2008), op. cit., pg. 67.
- <sup>120</sup> Although very difficult to ascertain an exact number in this regard, to date estimates vary between 18 and 23 political factions. See respectively, Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon” (2008), op. cit.
- <sup>121</sup> “Nurturing Instability: Lebanon’s Palestinian Refugee Camps, Middle East Report N°84” (2009), pg. 33.
- <sup>122</sup> “Nurturing Instability: Lebanon’s Palestinian Refugee Camps, Middle East Report N°84” (2009), pg. 19.
- <sup>123</sup> Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon” (2007), op. cit., pg. 12.
- <sup>124</sup> In relation to the functioning of the Popular Committee a Follow-Up Committee exist that is a representative group of individuals drawn from each Popular Committee who meet regularly with the ‘Responsible’ for Popular Committees.
- <sup>125</sup> Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon”, op. cit., pg. 11-12
- <sup>126</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit.
- <sup>127</sup> According to the the Cairo Agreement, “Palestinian Armed Struggle inside the camps for to cooperate with the local committees and ensure good relations with the Lebanese authorities. These posts shall undertake the task of regulating and determining the presence of arms in the camps within the framework of Lebanese security and the interests of the Palestinian revolution”.
- <sup>128</sup> See Government of Lebanon, A Common Challenge - A Shared Responsibility, The International Donor Conference for the Recovery and Reconstruction of the Nahr el-Bared Palestinian Refugee Camp and Conflict-Affected Areas of North Lebanon, 23 June 2008, pg. 46 and pg. 51.
- <sup>129</sup> Interview with the Programme Coordinator of the project on Policy and Governance in Palestinian Refugee Camps at AUB, 9 November 2009.
- <sup>130</sup> Interview with responsible of Child Protection at Terre des hommes, 23 May 2011.
- <sup>131</sup> See UNHCR website at <http://www.unhcr.org/refworld/country,,LAS,,SDN,456d621e2,460a2b252,0.html> (last accessed 29 July 2011). It must be noted that in January 1999, Decree 478 was annulled, requiring an exit and entry visa from Palestinians. See Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7. 25 October 2005, § 448.
- <sup>132</sup> See CRC, List of issues to be taken up in connection with the consideration of the third periodic report of LEBANON (CRC/C/129/Add.7), CRC/C/LBN/Q/3, 15 February 2006. See Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7. 25 October 2005, § 452.
- <sup>133</sup> Idem.
- <sup>134</sup> Interview with Chief of Child Protection and Palestinian Programmes, UNICEF Lebanon Country Office, 5 May 2010.
- <sup>135</sup> Secretary General of the Higher Council for Childhood, Beirut, 1 December 2009 and 20 May 2011.
- <sup>136</sup> UNRWA Terms of reference for the Operations Support Officer, on file with the author.
- <sup>137</sup> Project Proposal, OSO Lebanon Field Office / US Government, February 2009.

<sup>138</sup> Idem.

<sup>139</sup> Interview with UNRWA Field Protection Officer, Lebanon Field Office, 22 October 2009.

<sup>140</sup> Interview with UNRWA Field Protection Officer, Lebanon Field Office, 22 October 2009.

<sup>141</sup> Interview with UNRWA Field Protection Officer, Lebanon Field Office, 12 November 2009.

<sup>142</sup> Idem.

<sup>143</sup> Interview with UNRWA OSO for south of Lebanon, Lebanon Field Office, 6 November 2009.

<sup>144</sup> Interview with UNRWA Field Protection Officer, Lebanon Field Office, 12 November 2009.

<sup>145</sup> Interview with UNRWA OSO for south of Lebanon, Lebanon Field Office, 6 November 2009.

<sup>146</sup> Interview with UNRWA Area Service Officer for Saida, 6 November 2009.

<sup>147</sup> The UNDAF is undertaken in cooperation with government and other national counterparts along with several donor partners to ensure that it is realistically aligned with national priorities and partner objectives.

<sup>148</sup> See United Nations Development Assistance Framework (UNDAF) Lebanon 2010-2014.

<sup>149</sup> The review of Lebanon before the UPR Working Group of the Council took place during the 9th Session on 10 November 2010 and was adopted on 17 March 2011.

<sup>150</sup> Report of the Working Group on the Universal Periodic Review at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/102/11/PDF/G1110211.pdf?OpenElement> (last accessed on 29 July 2011).

<sup>151</sup> See “Description of UNICEF activities in Lebanon” at <http://www.un.org.lb/Subpage.aspx?pageid=63> (last accessed on 29 July 2011).

<sup>152</sup> Interview with Chief of Child Protection and Palestinian Programmes, UNICEF Lebanon Country Office, 5 May 2010.

<sup>153</sup> ILO Regional Office for the Arab States, Technical Proposal, Strengthening National Action to Combat the Worst Forms of Child Labour in Lebanon, July 2008, on file with the author.

<sup>154</sup> See UNICEF, “Survey on child labour (7 - 17 years) in Palestinian camps & gatherings” (2009).

<sup>155</sup> Protection procedures under this law are activated by a complaint submitted to the juvenile court by one of the following parties: the child, parent/legal guardian, social worker, public ministry, or any party that informs the public ministry of a situation in which a child is at risk. In the case of an emergency, the juvenile court judge can personally address this issue. See Save the Children Sweden, “Child Protection Baseline Assessment” (2009), pg. 7.

<sup>156</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 65.

<sup>157</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 66.

<sup>158</sup> Save the Children Sweden, “Child Protection Baseline Assessment” (2009), pg. 14.

<sup>159</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 66.

<sup>160</sup> See UNICEF, “Memo on Technical assistance on UNICEF inputs to recovery programming in the area of Policy to support Child Protection - New Draft Child Protection Law” (2009), on file with the author.

<sup>161</sup> Interview with Secretary General of the Higher Council for Childhood, 1 December 2009.

<sup>162</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 57. See also interview with Secretary General of the Higher Council for Childhood, Beirut, 1 December 2009.

<sup>163</sup> For example, though technically subject to the Penal Code, the justice system in the camps operates almost solely outside of the state system. Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 46.

<sup>164</sup> With regard to birth registration, the Committee on the Rights of the Child expressed concern towards Palestinian children of Non ID refugees. CRC/C/LBN/3, op. cit., § 37.

<sup>165</sup> See Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon”, op. cit. Such laws include the Medical ethics law 228/1994 that entails reporting of abuse, incarceration or deprivation of minors, newborn health record 550/1996 which provides access to a record of health of the newborn upon request for non Lebanese.

<sup>166</sup> Interview, 1 December 2010.

<sup>167</sup> Interview, 17 March 2010.

<sup>168</sup> CRC/C/LBN/3, op. cit., § 27.

<sup>169</sup> With regard to Palestinian refugee children, in response to the issue of their lack of protection raised by the Committee on the Rights of the Child, Lebanon stressed that “neither refugee children nor Palestinian children are excluded from the programmes and activities carried out by the Higher Council for Children”. See Written replies by the Government of Lebanon, op. cit., pg. 8.

<sup>170</sup> Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit.

<sup>171</sup> Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit.

<sup>172</sup> See Written replies by the Government of Lebanon concerning the list of issues (CRC/C/LBN/Q/3) received by the Committee on the Rights of the Child, CRC/C/LBN/Q/3/Add.1, pg. 6.

<sup>173</sup> Interview on 1 December 2010.

<sup>174</sup> Proposal axes of the Refugee Children Committee work, Draft, on file with the author.

<sup>175</sup> CRC/C/LBN/3, op. cit.

<sup>176</sup> In 2004 the MoSA undertook the preparation of a new system for special contracts with NGOs and specialized institutions concerned for caring for juveniles at risk, whereby the contracts define the duties and rights of each party in the contract. See Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit.

<sup>177</sup> Ibid.

<sup>178</sup> Workshop with NGOs and CBOs organized in Beirut on 12 January 2010.

<sup>179</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 47

<sup>180</sup> Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit.

<sup>181</sup> Interview with Mount Lebanon Branch manager of UPEL, 10 May 2011.

<sup>182</sup> Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit. See also “The United Nations Secretary General’s Study on Violence against Children”, Response of the Lebanese Ministry of Justice. HR/TB/NONE/2004/2.

<sup>183</sup> CRC/C/LBN/3, op. cit.

<sup>184</sup> UNODC, “Independent Evaluation Report: Evaluation of Project entitled Justice and Support to the Juvenile Justice System in Lebanon (Project # LEB/98/R72 and LEB/02/R30)” (2005), pg. 8.

<sup>185</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 47.

<sup>186</sup> In each sector there is one trained staff on child friendly reporting mechanisms, and data are collected after the cases are reported to the police. See Save the Children Sweden, “Baseline assessment Lebanon”, op. cit.





<sup>187</sup> Article 186 of the Criminal Code allows for “disciplinary blows inflicted on children by their parents and school teachers in the traditionally practiced manner”. In 2001, the Minister of Education issued a memorandum prohibiting education staff from “inflicting corporal punishment, insulting, verbally humiliating, and attacking the honour of their students”.

<sup>188</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 122. See also Save the Children Sweden, “Corporal Punishment in Lebanon”, op. cit., pg. 71.

<sup>189</sup> The Directorate for the Affairs of Palestinian Refugees functions were defined and they include among other a) Coordination with UNRWA on relief, shelter, education and health and social issues; (b) Issuance of travel documents; (c) Registration of personal status documents; (d) Determining the location of refugee camps.

<sup>190</sup> Written replies by the Government of Lebanon, op. cit.

<sup>191</sup> This culminated in August-November 2008 with the split between two Fatah currents, one under Abbas Zaki, the PLO representative in Lebanon sent in 2005 by President Abbas to redefine responsibilities among Fatah leaders and Sultan Abu al-Aynayn, former secretary general of Fatah and of the PLO in Lebanon. See International Crisis Group, op. cit., pg. 21-22.

<sup>192</sup> See International Crisis Group, op. cit., pg. 21-22.

<sup>193</sup> See Daily Star, “Palestinian-rights boss resigns to make way for government” (27 November 2009).

<sup>194</sup> Issam Fares Centre for Lebanon, Palestinian Refugee Camps in Lebanon, “Summary and Proposals, May 2010” at [http://www.if-cl.org/Sub-page\\_en.aspx?pageid=659](http://www.if-cl.org/Sub-page_en.aspx?pageid=659) (last accessed 29 July 2011).

<sup>195</sup> Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit.

<sup>196</sup> CRC/C/LBN/3, op. cit.

<sup>197</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 56.

<sup>198</sup> Regional Workshop UNHCR and Child Protection Systems, “Middle East and North Africa Region, Summary”, UNHCR, Beirut 6-8 October 2009, 2010, draft on file with the author.

<sup>199</sup> Ibid., pg. 67.

<sup>200</sup> Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon”, op. cit., pg. 31.

<sup>201</sup> Interview with Handicap International, Project Manager, Psychosocial support and Psychological Care Project, 26 November 2009.

<sup>202</sup> DRC defines ‘protection’ as “all activities aimed at obtaining full respect for the rights of the individual in accordance with the letter and spirit of the relevant bodies of law”. Protection is about the “safety, security, dignity and integrity of civilians.”

<sup>203</sup> See DRC, “Palestinian Refugee Protection Project 2009-2010” (2010).

<sup>204</sup> See DRC, “Community Perspectives on Protection: A Knowledge, Attitudes and Practices Analysis of Palestinian Communities in Southern Lebanon”, op. cit.

<sup>205</sup> These include projects in the Tyre Area (by Abo Jihad Alwazir Organisation for Disabled, Al-Houla Association, Future Youth Centre, Hani Jamil Al-Qaddoumi Public Library, Women’s Humanitarian Organisation) and in the Saïda Area (by Al-Ghad Association, GUPW Al-Amal Centre for Elderly, Solidarity Association for Social & Cultural Development).

<sup>206</sup> Interview, 17 November 2010.

<sup>207</sup> Idem.

<sup>208</sup> See “Lebanon Support” at [http://lebanon-support.org/index.php?page=international\\_org](http://lebanon-support.org/index.php?page=international_org) (last accessed 29 July 2011).

<sup>209</sup> Local NGOs include: Children and Youth Centre - Shatila (CYC), Ghassan Kanafani Cultural Foundation (GKCF), Naba'a - Developmental Action Without Borders (Naba'a), National Association for Vocational Training and Social Services (NAVTSS), and Women's Humanitarian Organisation (WHO).

<sup>210</sup> These areas include; killing or maiming children; recruiting or using children by armed forces or groups; attacks against schools or hospitals; rape or other sexual violence against children; abduction of children; denial of humanitarian access for children.

<sup>211</sup> Interview with NRC representatives, 30 November 2009.

<sup>212</sup> Law No. 422 specified the duties of UPEL through their respective social representatives, to follow up the complaints or cases that are incoming through NGOs and specialized courts, within the relevant working mechanism of the association. See Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit. See also "The United Nations Secretary General's Study on Violence against Children", Response of the Lebanese Ministry of Justice. HR/TB/NONE/2004/2.

<sup>213</sup> Save the Children Sweden, "Children's Rights Situation Analysis Lebanon", op. cit., pg. 66.

<sup>214</sup> Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit.

<sup>215</sup> Written replies by the Government of Lebanon, op. cit.

<sup>216</sup> Third Periodic Report to CRC: Lebanon. CRC/C/129/Add.7, op. cit.

<sup>217</sup> Terre des hommes, "A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon", op. cit., pg. 13.

<sup>218</sup> See Save the Children Sweden, "Children's Rights Situation Analysis Lebanon", op. cit., pg. 67.

<sup>219</sup> Interview with UPEL Branch Manager for the Mount Lebanon Office, 17 March 2010.

<sup>220</sup> Interview with UPEL Branch Manager for the Mount Lebanon Office, 17 March 2010.

<sup>221</sup> Interview with Save the Children Sweden Child Protection Officer, April 2010.

<sup>222</sup> Ibid, pg. 67. See also, Save the Children Sweden, "The need for protection in Palestinian refugee camps in Lebanon: Children and women at risk", pg. 6, on file with author.

<sup>223</sup> Interview with DRC representative, 17 November 2009.

<sup>224</sup> Handicap International, (Soumaya Berri), "Psychosocial Support and Psychological Care Project" (2009).

<sup>225</sup> The Psychosocial Working Group defines psychosocial intervention as follows: "Psychosocial intervention is a set of activities built on a comprehensive approach and based on free expression of affects and community interaction. It is implemented by professionals or experienced persons, with ongoing supervision and support from a psychologist. It aims at promoting the psychological health of individuals regardless of age, family, groups and communities, especially those who are confronted to difficult circumstance, chronically or during crisis.

The interventions are designed to enhance and empower individual and collective resources, providing accompaniment support and care for all, and including identification of symptoms of psychological distress of persons needing referral and follow up by specialists. The aim is to enjoy positive, psychosocial health, which ensures appropriate balance between the individual and his/her community both recovering their own abilities to cope with life."

<sup>226</sup> Ibid., pg. 66

<sup>227</sup> Terre des hommes, "A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon", op. cit., pg. 31.

<sup>228</sup> Workshop organized in Beirut on 12 January 2010, op. cit. The former DCR Protection Project Manager stressed there is a lack of understanding of what protection means and that many organisations conduct activities that are protection related without knowing it or applying a protection approach. See interview with DRC , 17 November 2009.

<sup>229</sup> Save the Children Sweden, "Children's Rights Situation Analysis Lebanon", op. cit., pg. 66. See also Coordination Forum of NGOs Working Among the Palestinian Community in Lebanon, "Rights of the Palestinian Child in Lebanon, Third Supplementary Report" (2005).



<sup>230</sup> Interview with UNRWA Area Service Officer for Saida (6 November 2009).

<sup>231</sup> Lebanon Support Coordination Platform in Response to the Crisis in the Palestinian Camps in North Lebanon.

<sup>232</sup> See Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon”, op. cit., pg. 30-31

<sup>233</sup> See Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon”, op. cit., pg. 31.

<sup>234</sup> Interview with DRC, 17 November 2009.

<sup>235</sup> Workshop with NGOs and CBOs on mapping child protection services for Palestinian refugee children, 12 January 2010, Shatila Refugee Camp.

<sup>236</sup> While there is only one elected Popular Committee, located in Shatila, sources refer to either two or three Popular Committees in total for this camp. Respectively, International Crisis Group, op. cit., pg. 2 and Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 26.

<sup>237</sup> As noted by Terre des hommes there is an almost total of services and recreational opportunities reaching children/youth in the gatherings in the Tyre area. Interviews with the Popular Committee in the gatherings revealed a stark absence of services reaching children and young people. The group of gatherings around Kafar Badda has no kindergartens, youth centres or playgrounds. Qasmiyeh has a kindergarten, a children’s centre and a youth centre run by the General Union of Palestinian Women, where activities are reported to be barely running due to resource issues. Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 31.

<sup>238</sup> See Save the Children Sweden, “Protecting Children’s Rights Using Community Based Approaches - Southern Sudan” (2007).

<sup>239</sup> Political affiliation is omnipresent in camps and gatherings. For example, equivalent structures to the Popular Committee and The Armed Struggle, whilst not having the same official recognition, also exist with the Tahaluf ( Hamas-aligned) parties. Political influence or “wasta” is a key concept in Palestinian camps. No issue is solved, and no decisions are taken, from minor to major problems without “wasta” involvement.

<sup>240</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pg. 67.

<sup>241</sup> Interview with DRC, 17 November 2009.

<sup>242</sup> Interview with Terre des hommes representative, 16 November 2009.

<sup>243</sup> Save the Children Sweden, “Children’s Rights Situation Analysis Lebanon”, op. cit., pp 29-30.

<sup>244</sup> This comprises the West Bank, the Gaza Strip and East Jerusalem. East Jerusalem was illegally annexed by Israel in 1967 and is under its full administrative control.

<sup>245</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory” (2008), pg. 8-9.

<sup>246</sup> Palestinian Central Bureau of Statistics (PCBS), “Statistical review on the status of Palestinian Youth”(2010) at [http://www.pcbs.gov.ps/Portals/\\_pcbs/PressRelease/YouthWDay\\_2010E.pdf](http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/YouthWDay_2010E.pdf) (last accessed on 29 July 2011).

<sup>247</sup> PCBS, “Annual child statistics report on the occasion of Palestinian children’s day” (2011) at [http://www.pcbs.gov.ps/Portals/\\_pcbs/PressRelease/childDay\\_E2011.pdf](http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/childDay_E2011.pdf) (last accessed on 29 July 2011).

<sup>248</sup> BADIL, “Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009” (2009), pg. 64-71.

<sup>249</sup> BADIL, “Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009” (2009), pg. 71.

<sup>250</sup> Interview with UNRWA Kalandia Camp service officer, 28 January 2010.

<sup>251</sup> Refugee law, although important, remains marginal in practice for Palestinian children in the oPt. See Takkenberg, “The Protection of Palestine Refugees in the Territories occupied by Israel”, International Journal of Refugee Law, Vol. 3 No. 3 (1991), pg. 420-421.

<sup>252</sup> See on the issue of application of the Geneva Convention IV, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004. For the question of Gaza, see for example, “Report of the United Nations Fact Finding Mission on the Gaza Conflict” (2009), A/HRC/12/48, § 276 at [http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC\\_Report.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf) (last accessed 29 July 2011).

<sup>253</sup> “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, Advisory Opinion, ICJ Reports (2004).

<sup>254</sup> General Comment No. 31 [80] Nature of the General Legal Obligation Imposed on States Parties to the Covenant, op. cit., § 10. See also Israel, UN Doc. CCPR/CO/78/ISR (2003).

<sup>255</sup> “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory”, Advisory Opinion, ICJ Reports (2004).

<sup>256</sup> Cf. Annex I of the Protocol Concerning Redeployment of the Interim Agreement of September 28, 1995 and Article XIV of the 1994 agreement on the Gaza Strip and the Jericho Area. See Human Rights Watch, “The ‘Roadmap’: Repeating Oslo’s Human Rights Mistakes,” (2003) at <http://www.hrw.org/backgrounder/mena/israelpa050603.htm> (last accessed 29 July 2011); and Human Rights Watch, “An Analysis of the Wye River Memorandum,” (1998) at <http://www.hrw.org/press98/nov/israel1102.htm> (last accessed 29 July 2011).

<sup>257</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory” op. cit., pg. 22.

<sup>258</sup> Speech of Prime Minister Ismail Haniyeh at the conference “The New Government and the Agenda for Human Rights,” Gaza City, June 21, 2006 (as cited by Human Rights Council, “Human Rights Situation in Palestine and other Occupied Arab Territories”, A/HRC/8/17 (2008) at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/8session/A.HRC.8.17.doc> (last accessed 29 July 2011). See also “National Unity Government Program,” presented by Prime Minister Haniyeh to the Palestinian Legislative Council, March 17, 2007 (as cited by Human Rights Council “Human Rights Situation in Palestine and other Occupied Arab Territories,”). See also Report of the United Nations Fact Finding Mission on the Gaza Conflict, 15 September 2009, A/HRC/12/48, § 307.

<sup>259</sup> Human Rights Watch, “Under Cover of War: Hamas Political Violence in Gaza” (2009), pg. 21 at <http://www.hrw.org/sites/default/files/reports/iopt0409web.pdf> (last accessed 29 July 2011).

<sup>260</sup> “Mission to Lebanon and Israel,” Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt; the Representative of the Secretary-General on human rights of internally displaced persons, Walter Kälin; and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kothari, UN doc A/HRC/2/7, § 19.

<sup>261</sup> DCI-Palestine, The Unwanted Children - Juvenile Justice Country Report, 2008, pg. 1.

<sup>262</sup> DCI-Palestine, The Unwanted Children - Juvenile Justice Country Report, 2008, pg. 8.

<sup>263</sup> See for instance written statements by the Government of Israel concerning the list of issues to be taken up in connection with the consideration of the initial report of Israel under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict: Israel, 7/2/2010, CRC/C/OPAC/ISR/Q/1/Add.1, §1.

<sup>264</sup> The Palestinian Basic Law can be found at <http://www.palestinianbasiclaw.org> (last accessed 29 July 2011).

<sup>265</sup> See “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 48.

<sup>266</sup> It should however not be forgotten that the political crisis of the Gaza Strip goes back to 1967 when Israel occupied this area.

<sup>267</sup> Amnesty International UK et. al., “Shelter Sector Gaza, Gaza Housing Needs after Three Years of Blockade and War”, Shelter Advocacy Fact-Sheet 2 (2010) at <http://www.ngovoice.org/documents/Shelter%20Gaza-fact-sheet-2-june%202010.pdf> (last accessed 29 July 2011). See also IRIN, “OPT: Obstacles on Road to Gaza Rebuilding” (2010) at <http://www.irinnews.org/Report.aspx?ReportId=89679> (last accessed 29 July 2011).

<sup>268</sup> OCHA, “The Humanitarian Monitor” (2010) at [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2010\\_10\\_19\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2010_10_19_english.pdf) (last accessed 29 July 2011); and Gisha, “Due to Gaza Closure, 40,000 Students Refused from UNRWA Schools” (2010) at <http://www.gisha.org/index.php?intLanguage=2&intSiteSN=113&intItemId=1871> (last accessed 29 July 2011).



<sup>269</sup> Here, it is important to note that almost all key natural resources are located in this area as well as most of the water wells and stone quarries.

<sup>270</sup> See OCHA oPt, “Area C Humanitarian Response Plan Fact Sheet” (2010) at <http://unispal.un.org/UNISPAL.NSF/0/59AE27FDECB034BD8525793004D5541> (last accessed 29 July 2011), pg. 1-2.

<sup>271</sup> Canadians for Justice and Peace in the Middle East, “Factsheet: The Seam Zone: Israeli Land Grab” (2008) at <http://www.cjpme.ca/documents/40%20En%20Seam%20Zone%20v1.pdf> (last accessed 29 July 2011).

<sup>272</sup> B’Tselem: The Israeli Information Centre for Human Rights in the Occupied Territory and Bimkom: Planners for Planning Rights, “Under the Guise of Security: Routing the Separation Barrier to Enable Expansion of Settlements in the West Bank,” (2005), page 29 at [http://www.btselem.org/Download/200512\\_Under\\_the\\_Guise\\_of\\_Security\\_Eng.pdf](http://www.btselem.org/Download/200512_Under_the_Guise_of_Security_Eng.pdf) (last accessed 29 July 2011);

<sup>and</sup> OCHA oPt, “Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank” (2009) at <http://unispal.un.org/UNISPAL.NSF/0/B136572E8EE41FBA8525768D00514356> (last accessed 29 July 2011), pg. 1.

<sup>274</sup> UNRWA, “Food Security and Nutrition Survey of Herding Communities in Area C: Joint UNRWA-UNICEF-WFP Household Survey” (2010), Executive Summary, at <http://www.unrwa.org/userfiles/2010042252922.pdf> (last accessed 29 July 2011).

<sup>275</sup> Palestinian National Authority (PNA), “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 80.

<sup>276</sup> Interview with a lawyer of DCI-Palestine, 20 March 2011.

<sup>277</sup> For a more comprehensive discussion on this issues see: PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 19.

<sup>278</sup> The Arabic word for “reconciliation”.

<sup>279</sup> The translations of articles of the Child Law in this section are not official translations.

<sup>280</sup> Article (42) Forms of Protection: 1. The child is entitled to protection from forms of violence, forms of physical, mental or sexual abuse, forms of neglect, dereliction, or homelessness, or other forms of abuse or exploitation.

<sup>281</sup> Article (49) Rehabilitation measures.

<sup>282</sup> Article (50) Child Protection officers: 1. To establish in the Ministry of Social Affairs a department called the Department of Child Protection to include a number of child protection officers.

<sup>283</sup> PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 198.

<sup>284</sup> Other reason for requested consultation with a judge are stipulated in Article (63) Transferring the File to the Competent Judge: The child protection officer has to bring the case to the competent judge in the case of:

1. Failure to reach agreement within twenty days of the date of committing to this case.

2. Breach of the agreement by the parents, the caretaker, or the child who has reached thirteen years of age.

<sup>285</sup> PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 79.

<sup>286</sup> Article 15 of the MoSA Child Protection Guidelines.

<sup>287</sup> MoSA guidelines define a foster family as “any family that undertakes the education, up-bringing, and care of the child in all aspects of life for a child whose family is absent or no longer exists. PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 79.

<sup>288</sup> PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 72.



<sup>289</sup> Interview with protection officer for Ramallah, 22 March 2011.

<sup>290</sup> PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 17.

<sup>291</sup> PCBS, Child Labour Survey, 2004: Main Findings (2004).

<sup>292</sup> For a detailed list please see: Institute of Community and Public Health Birzeit University & National Plan of Action Secretariat, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” (2006), pg. 42.

<sup>293</sup> Institute of Community and Public Health Birzeit University & National Plan of Action Secretariat, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” (2006), pg. 44.

<sup>294</sup> MoSA, “Protocol on the Child Care and Protection Referral and Networking System”, on file with the author.

<sup>295</sup> Interview with UNICEF, January 2010.

<sup>296</sup> See Ministry of Social Affairs Family and Childhood General Management Unit, “Child Care and Protection Referral and Networking System: PROTOCOL” (2007), pg. 15.

<sup>297</sup> See Ministry of Social Affairs Family and Childhood General Management Unit, “Child Care and Protection Referral and Networking System: PROTOCOL” (2007), pg. 28-34.

<sup>298</sup> Interview with the UNICEF Child Protection Officer, 1 February 2010.

<sup>299</sup> Institute of Community and Public Health Birzeit University & National Plan of Action Secretariat Child, “Protection in the Occupied Palestinian Territory Structures, Policies and Services” (2006), pg. 66-67.

<sup>300</sup> Preamble of the Palestinian Child Law.

<sup>301</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 29.

<sup>302</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, pg. 30.

<sup>303</sup> For example there are no ministerial procedures or protocols to deal with family violence cases. The PA lacks a medical ethics law or code governing the conduct of physicians. See Human Rights Watch, “A Question of Security Violence against Palestinian Women and Girls” (2005), pg. 62.

<sup>304</sup> UNICEF, “At a Glance: Occupied Palestinian Territory: Activities and results for children” at [http://www.unicef.org/infobycountry/oPt\\_1535.html](http://www.unicef.org/infobycountry/oPt_1535.html) (last accessed 29 July 2011).

<sup>305</sup> PCBS, “Palestinian Children: Issues and Statistics,” (2006), pg. 20 at [http://www.pcbs.gov.ps/Portals/\\_PCBS/Downloads/book1258.pdf](http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1258.pdf). Cited in UNICEF, “Humanitarian Action Report 2008” (2008), pg. 144 at [http://www.unicef.org/har08/files/HAR\\_2008\\_FULL\\_Report\\_English.pdf](http://www.unicef.org/har08/files/HAR_2008_FULL_Report_English.pdf) (last accessed 29 July 2011).

<sup>306</sup> Save the Children Sweden, “Sexual and Reproductive Health Rights of Children and Adolescents Baseline Knowledge, Attitudes and Practices (KAP) Survey” (2010), pg. 12-13.

<sup>307</sup> Interviews with child protection officers, 20 March - 1 April 2011 (only West Bank).

<sup>308</sup> Interviews with police officers (Family Unit/ Juvenile Unit), 15-20 March 2011.

<sup>309</sup> Interview with police officer, 22 March 2011.

<sup>310</sup> Ministry of Education and Higher Education, “Education Development Strategic Plan 2008-2012,” (2008), pg. 15.

<sup>311</sup> Interview with Basri Aboushi, 6 March 2010.



- <sup>312</sup> Letter of the MoEHE, 4 April 2004.
- <sup>313</sup> See MoEHE, “School Discipline Project Summary”, on file with author.
- <sup>314</sup> Interview with Basri Aboushi, 6 March 2010.
- <sup>315</sup> Interviews with school counsellors, 15-25 March 2011.
- <sup>316</sup> Interview with director of the Centre for Child Protection, 25 March 2011.
- <sup>317</sup> Institute of Community and Public Health Birzeit University & National Plan of Action Secretariat, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” (2006), pg. 35-37.
- <sup>318</sup> Interview with director of the Centre for Child Protection, 29 March 2011.
- <sup>319</sup> PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 84.
- <sup>320</sup> PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory” (2011), pg. 79.
- <sup>321</sup> Interview with Director of the Centre for Child Protection, 29 March 2011.
- <sup>322</sup> Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009, BADIL Resource Centre for Palestinian Residency & Refugee Rights (December 2009), pg. 71.
- <sup>323</sup> UNRWA website at <http://www.unrwa.org/etemplate.php?id=121> (last accessed 29 July 2011).
- <sup>324</sup> See Levush, “Law Library of Congress: Israel Children’s Rights: International and National Laws and Practice” (2007) at <http://www.loc.gov/law/help/child-rights/pdfs/ChildrensRights-Israel.pdf> (last accessed 29 July 2011).
- <sup>325</sup> The Association for Civil Rights in Israel (ACRI), “ACRI’s State of Human Rights Report 2009: Rights on Condition” (2009) at <http://www.acri.org.il/pdf/state2009en.pdf> (last accessed 29 July 2011).
- <sup>326</sup> ACRI, “Human Rights in East Jerusalem: Facts and Figures 2010?” (2010) at <http://www.acri.org.il/pdf/eastjer2010.pdf> (last accessed 29 July 2011).
- <sup>327</sup> BADIL and The Norwegian Refugee Council/Internal Displacement Monitoring Centre, “Displaced by the Wall: Pilot Study on Forced Displacement Caused by the Construction of the West Bank Wall and its Associated Regime in the Occupied Palestinian territories” (2006) at [http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/D03CD0BE11176177C12571F5003523AD/\\$file/displaced%20by%20wall.pdf](http://www.internal-displacement.org/8025708F004BE3B1/%28httpInfoFiles%29/D03CD0BE11176177C12571F5003523AD/$file/displaced%20by%20wall.pdf) (last accessed 29 July 2011), pg. 41.
- <sup>328</sup> Ministry of Social Welfare, Expenditure on Social Welfare 2006, Freedom of Information department.
- <sup>329</sup> Israel’s Fifth Period Report to the UN Committee on the Elimination of Discrimination against Women, CEDAW/C/ISR/5, 21 October 2009, p.210, § 466.
- <sup>330</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 39-40.
- <sup>331</sup> The Jerusalem Policy Forum, “From Dissonance to a Permanent Status Destination Toward Resolving the Educational Disparity in Jerusalem Educational Development in East Jerusalem” (2007), pg. 2-3 at [http://www.pdf-palestine.org/Education\\_Paper\\_-\\_final\\_draft-final-Copy-right11\\_%282%29.pdf](http://www.pdf-palestine.org/Education_Paper_-_final_draft-final-Copy-right11_%282%29.pdf) (last accessed 29 July 2011).
- <sup>332</sup> Interviews with three school counsellors from East Jerusalem, 22 March 2011.
- <sup>333</sup> Interviews with three school counsellors from East Jerusalem, 22 March 2011.
- <sup>334</sup> Interviews with three school counsellors from East Jerusalem, 22 March 2011.

- <sup>335</sup> Politically and legally a very weak status, nevertheless it will not be discussed further since it does not fall within the frame of this research.
- <sup>336</sup> After that, the parents go to the Ministry of Interior, where the child's name, date of birth, and identity number are recorded in the parents' identity cards.
- <sup>337</sup> OCHA, "East Jerusalem: Key Humanitarian Concerns" (2011), pg. 22-23 at [http://www.ochaopt.org/documents/ocha\\_opt\\_jerusalem\\_report\\_2011\\_03\\_23\\_web\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf) (last accessed 29 July 2011).
- <sup>338</sup> Unfortunately, there is no exact number available. The number provided is an estimate based on several conducted interviews.
- <sup>339</sup> Cases about child registration in East Jerusalem are often pending for more than 12 years before Israeli courts.
- <sup>340</sup> The question of residency rights within the context of Palestine/Israel is a very complex issue; due to the limitations of this research. it will not be discussed further.
- <sup>341</sup> HaMoked, "Forbidden Families Family Unification and Child Registration in East Jerusalem" (2004), pg. 32 at [http://www.hamoked.org.il/items/12600\\_eng.pdf](http://www.hamoked.org.il/items/12600_eng.pdf) (last accessed 29 July 2011).
- <sup>342</sup> Interview, 15 March 2011.
- <sup>343</sup> Bir Zeit University, "Summer Study 2004," (2004); UNICEF oPt, "The Children: Primary School Years" at [http://www.unicef.org/oPt/children\\_215.html](http://www.unicef.org/oPt/children_215.html) (last accessed 29 July 2011).
- <sup>344</sup> PNA, "The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory" (2011), pg. 212.
- <sup>345</sup> PNA, "The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory" (2011), pg. 212.
- <sup>346</sup> See Said-Foqahaa, "A Study of Juvenile Justice in the Occupied Palestinian Territories" (2010).
- <sup>347</sup> The draft bill on a unified juvenile justice system comprises key provisions. There is however little prospect that this draft law will be enacted in the near future.
- <sup>348</sup> Interview with the Head of the Juvenile Rehabilitation Centre, Ramallah, January 2010.
- <sup>349</sup> This is a summary and not full a translation.
- <sup>350</sup> Save the Children Sweden and DCI-Palestine, "Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory", op. cit., pg. 51-52.
- <sup>351</sup> Interview with Al-Mezan representative, 1 February 2010.
- <sup>352</sup> PNA, "The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory" (2011), pg. 17.
- <sup>353</sup> UNICEF, "Child Protection in the OPT" (2005), pg. 53-54.
- <sup>354</sup> For example, there are special rules and procedures for juvenile departments within the police force and for training juvenile judges; the Israeli MoSA appoints a number of probation officers; there are juvenile courts and judges specialized in child rights and juvenile justice.
- <sup>355</sup> Save the Children Sweden and DCI-Palestine, "Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory", op. cit., pg. 55-56.
- <sup>356</sup> 1612 Monitoring and Reporting Mechanism Working Group, "Children Affected by Armed Conflict (CAAC) Bulletin: Annual Review 2010," (2010), page 4
- <sup>357</sup> Special Representative of the Secretary General for Children and Armed Conflict, "Children and Armed Conflict: Report of the Secretary General," (13 April 2010) UN Doc A/64/742-S/2010/18. Page 26 §105



- <sup>358</sup> Statement of the United Nations Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967 (2 May 2011, Amman, Jordan).
- <sup>359</sup> See A/HRC/16/72 (2011) at <http://unispal.un.org/UNISPAL.NSF/0/A72012A31C1116EC8525782C00547DD4> (last accessed 29 July 2011); §26.
- <sup>360</sup> Statement of the United Nations Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967 (2 May 2011, Amman, Jordan).
- <sup>361</sup> Special Representative of the Secretary General for Children and Armed Conflict, “Children and Armed Conflict: Report of the Secretary General” (2010), pg. 26, UN Doc A/64/742-S/2010/18.
- <sup>362</sup> This is Military Order Number 132, issued in 1967 and otherwise known as the “Order Concerning Adjudication of Juvenile Offenders (West Bank Area)”.
- <sup>363</sup> Concluding Observations of the Committee against Torture Israel, CAT/C/ISR/CO/4 (14 May 2009), § 27-28.
- <sup>364</sup> See DCI-Palestine, “New military order on juveniles issued in the West Bank”, (2009) at <http://www.dci-pal.org/english/display.cfm?DocId=1223&CategoryId=1> (last accessed 29 July 2011).
- <sup>365</sup> DCI-Palestine, “New military order on juveniles issued in the West Bank” (2009) at <http://www.dci-pal.org/english/display.cfm?DocId=1223&CategoryId=1> (last accessed 29 July 2011).
- <sup>366</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 61-75.
- <sup>367</sup> United Nations Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory, “Humanitarian Monitor: December 2010,” (2010), pg. 1 at [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2011\\_01\\_19\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2011_01_19_english.pdf) (last accessed 29 July 2011).
- <sup>368</sup> United Nations Office for the Coordination of Humanitarian Affairs in the occupied Palestinian territory, “Humanitarian Monitor: December 2010,” (2010), pg. 1 at [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2011\\_01\\_19\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2011_01_19_english.pdf) (last accessed 29 July 2011).
- <sup>369</sup> DCI-Palestine, “Under Attack: Settler Violence against Palestinian Children in the Occupied Palestinian Territory,” (2010) at <http://www.dci-pal.org/english/publ/display.cfm?DocId=1696&CategoryId=8> (last accessed 29 July 2011).; and UN Organisation for the Coordination of Humanitarian Affairs in the occupied Palestinian territory, “Israeli Settler Violence and the Evacuation of Outposts” (2009) at [http://www.ochaopt.org/documents/ocha\\_opt\\_settler\\_violence\\_fact\\_sheet\\_2009\\_11\\_15\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_settler_violence_fact_sheet_2009_11_15_english.pdf) (last accessed 29 July 2011).
- <sup>370</sup> Interview with UNRWA OSO West Bank in Jerusalem HQ, 11 February 2010.
- <sup>371</sup> See PCBS, “2004 survey by the Palestinian Central Bureau of Statistics about psychosocial health issues of children” (2004) at [http://www.pcbs.gov.ps/Portals/\\_pcbs/PressRelease/childrens.pdf](http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/childrens.pdf) (last accessed 29 July 2011).
- <sup>372</sup> Email from the former UNRWA Senior Protection Policy Adviser in the Dept. of Legal Affairs in Jerusalem HQ, 12 December 2009.
- <sup>373</sup> BADIL, “International Protection and Durable Solutions”, Information & Discussion Brief, Issue No. 10 (2006), pg. 27.
- <sup>374</sup> See UNICEF occupied Palestinian territory (UNICEF oPt), “Humanitarian Action: Donor Update” (2006), available on line at <http://unispal.un.org/UNISPAL.NSF/0/FE95D2C7611A6CB485257249004F390D> (last accessed 21 January 2011).
- <sup>375</sup> Save the Children UK (SCUK) “Fact Sheet: June 2008,” (2008), pg. 3 at [http://www.savethechildren.org.uk/en/docs/palestinian-refugee-children-fact-sheet\\_june08.pdf](http://www.savethechildren.org.uk/en/docs/palestinian-refugee-children-fact-sheet_june08.pdf) (last accessed 29 July 2011).
- <sup>376</sup> PNA, “The Palestinian National Authority Report on the Implementation of the Convention on the Rights of the Child in the Occupied Palestinian Territory,” (2011), pg. 198.
- <sup>377</sup> BADIL, “Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009” (2009), pg. 75.

<sup>378</sup> BADIL, “Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009” (2009), pg. 76-77.

<sup>379</sup> BADIL, “Palestinian Refugees and Internally Displaced Persons Survey of 2008 - 2009” (2009), pg. 76-77.

<sup>380</sup> See UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011).

<sup>381</sup> According to interviews with inhabitants of both aforementioned camps, the Israeli army does carry out operation in both camps at least once or twice a week, Interviews with refugees from Aida Refugee Camp, 10 February 2011; and interviews with refugees from Dheisheh Refugee Camp, 11 February 2011.

<sup>382</sup> See UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011).

<sup>383</sup> See UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011).

<sup>384</sup> Interview with Al-Muftah, 15 January 2011.

<sup>385</sup> See UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011).

<sup>386</sup> Interview with UNRWA OSO West Bank, Jerusalem HQ, 11 February 2010.

<sup>387</sup> Interview with UNRWA OSO West Bank, Jerusalem HQ, 11 February 2010.

<sup>388</sup> See UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011).

<sup>389</sup> Interview with a UNRWA psychosocial counsellor from Kalandia Refugee Camp, 28 January 2010.

<sup>390</sup> Interview with CSO, Kalandia Refugee Camp, op. cit., 28 January 2010.

<sup>391</sup> Interview with counsellor from Aida Refugee Camp, 2 February 2011.

<sup>392</sup> See for example, interview with Al-Phoenix, 10 January 2011.

<sup>393</sup> Interview with a UNRWA psychosocial counsellor from Kalandia Refugee Camp, 28 January 2010.

<sup>394</sup> Interview with a UNRWA psychosocial counsellor from Jalazone Refugee Camp, 28 January 2010.

<sup>395</sup> Birzeit University, “Child Abuse and Neglect: Training Needs Assessment of UNRWA Health and Social Care Professionals” (2008), pg. 28-30.

<sup>396</sup> Email from 12 December 2009.

<sup>397</sup> See Birzeit University, “Child Abuse and Neglect: Training Needs Assessment of UNRWA Health and Social Care Professionals” (2008).

<sup>398</sup> See PowerPoint presentation by Dr. Umaiye Khammash, “Family Protection: A Community Based Approach”, (2010), on file with author.

<sup>399</sup> Interview on 25 January 2010.

<sup>400</sup> Interview with Head of the UNRWA Health Department, 25 February 2011.

<sup>401</sup> PowerPoint presentation by Dr. Umaiye Khammash, “Family Protection: A Community Based Approach”, (2010), on file with author.

<sup>402</sup> PowerPoint presentation by Dr. Umaiye Khammash, “Family Protection: A Community Based Approach”, (2010), on file with author.

<sup>403</sup> See Interview with Head of the UNRWA Health Department, 25 February 2011.

<sup>404</sup> PCBS, “Population, Housing and Establishment Census-2007” (2008) at [http://www.pcbs.gov.ps/Portals/\\_pcbs/PressRelease/census2007\\_e.pdf](http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/census2007_e.pdf) (last accessed 29 July 2011).

<sup>405</sup> UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011).

<sup>406</sup> See UNRWA website at <http://www.unrwa.org> (last accessed 29 July 2011).





- <sup>407</sup> See UNDP, “Inside Gaza Attitudes and perceptions of the Gaza Strip residents in the aftermath of the Israeli military operations” (2009).
- <sup>408</sup> Interview, 8 February 2010.
- <sup>409</sup> Idem.
- <sup>410</sup> Interview with OSO, 8 February 2010.
- <sup>411</sup> Interview with UNRWA representatives (Respect and Discipline Initiative), 8 February 2010.
- <sup>412</sup> Interview with an UNRWA representative (Special Children Special Needs Initiative), 8 February 2010.
- <sup>413</sup> Interview with Deputy Director of UNRWA Operations, 8 February 2010.
- <sup>414</sup> Idem.
- <sup>415</sup> Interview with Deputy Director of UNRWA Operations, 8 February 2010.
- <sup>416</sup> Interview with UNRWA OSO and Legal Officer, 8 February 2010.
- <sup>417</sup> Interview with Head of the UNRWA CMHP Gaza, 8 February 2010.
- <sup>418</sup> See UNICEF website at <http://www.unicef.org/oPt/overview.html> (last accessed 29 July 2011).
- <sup>419</sup> See UNICEF website at <http://www.unicef.org/oPt/overview.html> (last accessed 29 July 2011).
- <sup>420</sup> Minutes of the Child Protection Working Group, Workshop Ramallah (16 June 2009), on file with the author.
- <sup>421</sup> Interview with Child Protection Officer, 1 February 2010.
- <sup>422</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 34.
- <sup>423</sup> See minutes of the Child Protection Working Group, Workshop Ramallah (16 June 2009), op. cit.
- <sup>424</sup> Interview with Chief of OHCHR Ramallah, 28 January 2010.
- <sup>425</sup> Save the Children Sweden, “Final Report on the Family Centres Project in Gaza Strip” (2011).
- <sup>426</sup> Interview with Chief of OHCHR Ramallah, 28 January 2010.
- <sup>427</sup> Idem.
- <sup>428</sup> Interview with the OHCHR Human Rights Officer Gaza, 2 February 2010.
- <sup>429</sup> Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 40.
- <sup>430</sup> Their efforts include having each set up in their respective areas of intervention a toll-free helpline and socio-legal defence centres where children can access initial legal advice or psychosocial support before being referred to a relevant authority or institution for further help and support. Both DCI-Palestine and PCDCR have also pioneered local child protection networks in their communities.
- <sup>431</sup> Interview, 25 March 2011.
- <sup>432</sup> There are few other cases of NGOs that monitor the PA in relation to child protection such as DCI-Palestine.
- <sup>433</sup> Based on several conducted interviews and one FGD held between 20-30 March 2011.
- <sup>434</sup> Interview with Deputy Director of SAWA, 28 January 2010.

<sup>435</sup> Idem.

<sup>436</sup> Interview with Save the Children Sweden, Child Protection Officer Gaza, 1 June 2011.

<sup>437</sup> Interview with the Head of the CTCCM, 3 February 2010.

<sup>438</sup> A good example is Burj Luq Luq, an organisation based in East Jerusalem that aims at building up a protective environment for children offering social-cultural community activities.

<sup>439</sup> Interview with DCI-Palestine representatives, 26 January 2010.

<sup>440</sup> DCI- Palestine, "Annual Report 2008", pg. 26 at <http://www.dci-pal.org/english/publ/annual/report2008.pdf> (last accessed 29 July 2011).

<sup>441</sup> Interview with Save the Children Sweden representative (4 February 2010).

<sup>442</sup> Meeting of Steering Committee of the Family Centres project (3 February 2010).

<sup>443</sup> See Save the Children Sweden, "Palestine Baseline" (June 2009).

<sup>444</sup> Email of 12 December 2009, op. cit.

<sup>445</sup> See Save the Children Sweden (Sbardella), "Community-Based Child Protection in the Gaza Strip" (2009) at <http://mena.savethechildren.se/Global/scs/MENA/press/Community.pdf> (last accessed 29 July 2011).

<sup>446</sup> See Save the Children Sweden, "TOR for the setting of 20 community based child protection committees", Save the Children Sweden Gaza Office (2010) at [http://mena.savethechildren.se/Global/scs/MENA/Vacancies/ADVERTISEMENTS%20Consultancy\\_CPCs\\_Gaza%20Sept-2010.pdf](http://mena.savethechildren.se/Global/scs/MENA/Vacancies/ADVERTISEMENTS%20Consultancy_CPCs_Gaza%20Sept-2010.pdf) (last accessed 29 July 2011).

<sup>447</sup> Save the Children Sweden and DCI-Palestine, "Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory", op. cit., pg. 21.

<sup>448</sup> Save the Children Sweden and DCI-Palestine, "Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory", op. cit., pg. 28.

<sup>449</sup> FGD involved 30 mothers and 14 fathers between 22 and 50 years old. FGD were conducted in Al-Bureij Refugee Camp, Khuza'a, the Family Centre in Jabalia Refugee Camp and in Rafah.

<sup>450</sup> The FGD involved 15 mothers from Kalandia Refugee Camp.

<sup>451</sup> Save the Children Sweden and DCI-Palestine, "Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory", op. cit., pg. 32.

<sup>452</sup> Save the Children Sweden, "Palestine Baseline" (2009).

<sup>453</sup> 453 Save the Children Sweden and DCI-Palestine, "Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory", op. cit., pg. 72.

<sup>454</sup> See Save the Children Sweden (Sbardella), "Community-based child protection in the Gaza Strip" (2009) at <http://mena.savethechildren.se/Global/scs/MENA/press/Community.pdf> (last accessed 29 July 2011).

<sup>455</sup> Save the Children Sweden (Sbardella), "Community-based child protection in the Gaza Strip" (2009) at <http://mena.savethechildren.se/Global/scs/MENA/press/Community.pdf> (last accessed 29 July 2011); pg. 52.

<sup>456</sup> Four FGD were organized covering a sample of 40 children between 8-13 years old.

<sup>457</sup> One FGD with 10 children aged 10-14 years old from Kalandia Refugee Camp, one FGD with 10 children aged 10-14 years old from Arroub Refugee Camp (Hebron), one FGD in Jerusalem with 12 children aged 10-12 years old from Shu'fat Camp, one FGD with 12 ex-detainees children aged 15-17, and one FGD with 10 children aged 10-14 years old from Nablus.

<sup>458</sup> See for example, Terre des hommes, “A Child Protection - Assessment Palestinian Camps and Gatherings Tyre, South Lebanon”, op. cit., pg. 9 and UNICEF, “Guaranteeing the Well-Being of Palestine Refugee Children: Child Protection and children’s rights - missing links”, Paper prepared for the UNRWA Conference: Meeting the Humanitarian Needs of the Palestine Refugees in the Near East - Building Partnerships in Support of UNRWA (2004), pg. 6.

<sup>459</sup> See for example, Save the Children Sweden, “Child Rights Situation Analysis for Middle East and North Africa Region” (2008), p52 and for the Universal Periodic Review of Jordan before the Human Rights Council: Summary prepared by the OHCHR, in accordance with paragraph 15 (c) of the Annex to the Human Rights Council Resolution 5/1: A/HRC/WG.6/4/JOR/3, (2008).

<sup>460</sup> See for further details BADIL, “Closing Protection Gaps - Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention”, op. cit., pg. 16.

<sup>461</sup> See UNRWA website <http://www.un.org/unrwa/refugees/jordan.html> (last accessed 29 July 2011).

<sup>462</sup> See BADIL, “Closing Protection Gaps - Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention”, op. cit., pg. 17.

<sup>463</sup> See UNRWA website (<http://www.un.org/unrwa/refugees/syria.html>) (last accessed 29 July 2011).

<sup>464</sup> Institute of Community and Public Health. Birzeit University, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services”, op. cit., pg. 17.

<sup>465</sup> Idem.

<sup>466</sup> Institute of Community and Public Health. Birzeit University, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services”, op. cit., pg. 18.

<sup>467</sup> See CRC, “Concluding Observations: Jordan” CRC/C/JOR/CO/3 (2006).

<sup>468</sup> These offices conduct house visits to families exposed to violence and follow procedures aimed at protecting children from violence and abuse. See Institute of Community and Public Health. Birzeit University, “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” op. cit., pg. 18 and Save the Children Sweden and DCI-Palestine, “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 54.

<sup>469</sup> Those include programmes implemented by the Family Protection Department and Ministry of Health-initiated Child Protection Committees at major public hospitals whose role is to investigate suspected cases of child abuse. In 2000, the Jordan River Foundation, with the support of Ministry of Social Development, set up Dar Al-Aman, a specialised centre for the protection of abused children. See Idem.

<sup>470</sup> CRC, “Concluding Observations: Jordan”, CRC/C/JOR/CO/3 (2006).

<sup>471</sup> See Save the Children Sweden and DCI-Palestine “Child Rights Situation Analysis - Right to Protection in the occupied Palestinian territory”, op. cit., pg. 115.

<sup>472</sup> Idem. and Institute of Community and Public Health. Birzeit University “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” op. cit., pg. 12-13.

<sup>473</sup> See UNHCR “Concluding Observations of the Committee on the Rights of the Child: Syrian Arab Republic” UN Doc. CRC/C/15/Add.212. (2003).

<sup>474</sup> Institute of Community and Public Health. Birzeit University “Child Protection in the Occupied Palestinian Territory Structures, Policies and Services” op. cit., pg. 13. As a part of the plan of action, efforts are underway to establish a family protection unit, through which all such cases will be investigated and referred to the competent authorities for processing. Under the same plan, counselling helplines for women and children are being set up as a complaints system for women and children threatened with, or subjected to, violence or harm. A training seminar was recently organized for various concerned bodies on principles and standards for running such help lines and on means of dealing with reported cases. The plan of action also includes a component on training for police officers. See the UN Secretary-General’s database on violence against women, available at <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=27863&baseHREF=country&baseHREFId=1263> (last accessed 29 July 2011).

<sup>475</sup> See the UN Secretary-General's database on violence against women <http://webapps01.un.org/vawdatabase/searchDetail.action?measureId=27863&baseHREF=country&baseHREFId=1263> (last accessed 29 July 2011).

<sup>476</sup> See Save the Children Sweden and DCI-Palestine "Rights Situation Analysis - Right to Protection in the occupied Palestinian territory" op. cit., pg. 115-116.

<sup>477</sup> UNRWA, "UNRWA Condemns Jerusalem Home Demolitions and Assists Affected Families" (2010) at <http://reliefweb.int/node/378903> (last accessed 29 July 2011).

<sup>478</sup> See several conducted interviews.

<sup>479</sup> Unfortunately, it was a 'closed door' meeting and the outcome has not been made public.









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