

## Country session: State of Palestine

Date of session: 28<sup>th</sup> and 29<sup>th</sup> January (83<sup>rd</sup> session)

### Context

The Committee welcomed the submission of the initial report of the State of Palestine. Committee experts noted the peculiar and extremely challenging environment faced by the State of Palestine— occupation, settlement construction, blockade and violence. The Committee understood how the many years of Israeli occupation hampered the stability, the provision of services to children, and the enjoyment of the right to a non-violent childhood. The Committee recognized that the challenges faced by Palestine limited the State to have effective control over its own territory and thus to achieve full implementation of the Convention. However, the Committee regretted that the internal political issues were also preventing Palestinian children from fully enjoying their rights.

### Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

### Reporting

#### Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

#### State report

<a href="#">CRC</a>	
No. of report	1°
Due date	2016
Submission	21 September 2018

<a href="#">Written replies</a>	
Submission	15 October 2019
Due date	<u>15 October 2019</u>

<a href="#">Alternative reports and additional information</a>	
<b>NGOs</b>	<ul style="list-style-type: none"> <li>• Al-Haq</li> <li>• Defence for Children International Palestine (DCIP)</li> <li>• Global Initiative to End All Corporal Punishment of Children</li> <li>• Human Rights Watch</li> </ul>
<b>NHRIs</b>	Palestine Independent Commission of Human Rights

## State delegation

The [delegation of the State of Palestine](#) was a large multisectoral delegation composed of representatives of the Ministry of Social Development, Ministry of Foreign Affairs and Expatriates, Ministry of Justice, Ministry of Education, Ministry of Health, Public Prosecution, Sharia Judicial Council, Central Bureau of Statistics and the Commission of Detainees and Ex-Detainees Affairs. Representatives of the Permanent Observer Mission of the State of Palestine to the United Nations Office at Geneva were also present.

## Committee's Task Force members

Name & Last Name	Country
Ms. Hynd Ayoubi-Idrissi	Morocco
Mr. Bragi Gudbrandsson	Iceland
Mr. Benyam Dawit Mezmur	Ethiopia
Mr. Jose Angel Rodriguez Reyes	Venezuela

## Dialogue description

### i. Character of the dialogue

The character of the dialogue was constructive. The delegation extended an invitation to the Task Force members to visit the country.

### ii. General assessment made by the Committee

The Committee commended the effort made by the State of Palestine to ratify without any reservation the Convention of the Rights of the Child and its three Optional Protocols. The Committee was aware about the difficulties faced by Palestine due to the occupation situation to provide services to children and to have effective control in Gaza strip. Despite these difficulties, the Committee pointed out that a better application of the Convention should be achieved using their available resources.

### iii. Main issues discussed:

- General Measures of Implementation:** The Committee noted that Palestine had ratified many international treaties in a short period of time, so they asked how the State is working to harmonize national laws with its international obligations. The State of Palestine answered that they set up a special committee composed by jurists, magistrates, civil society organizations representatives and women. They stressed that they already got some achievements such as the drafting of the law on protection of the family violence, which contains a definition of the child fully in line with the Convention.
- Violence against children:** The Committee was concerned about the violent environment that children live in Gaza strip. They asked about the measures taken to protect children on the ongoing conflict in the occupied territory. They affirmed that the child protection system in Palestine is weak and they encouraged the State to re-examine it. The State delegation answered that an independent national institution operated a complaint hotline for children ensuring child safety and confidentiality. Furthermore, they set up special police departments with trained officers to deal with victims of violence, to attend children complains and to do awareness raising campaigns. Regarding violence at schools, the State of Palestine recognized that this

happens in the country. They set up a strategy to prevent and reduce violence in school context and to raise awareness and instill a nonviolence culture.

- **Corporal punishment:** The Committee highlighted that not all types of corporal punishment are banned by law. They asked when are they going to adopt legal standards that prohibits corporal punishment in all areas. The delegation replied that the penal code is being revised by a special working group headed by the Ministry of justice. In the new version two new chapters will be added: violence against children and violence against children within the family, including corporal punishment.
- **Children with disabilities:** The Committee stressed that Palestine does not have a law for children with disabilities, their national strategy for this issue and for inclusive education needs to be updated. The Committee also recommended to gather data of persons with disabilities and to beware of stigmatization and discrimination against these children and addressing this matter through creating awareness campaigns. The delegation of Palestine responded that they have been developing a draft law for persons with disabilities in collaboration with civil society and persons with disabilities themselves. The State is working to integrate children with disabilities in regular schools with special education training programs and different centres that have an approach to integrate those children with professionals. They have undertaken campaigns to raise awareness about disability issues and fight against stigma. The State of Palestine has established also criminal sanctions for cases of violence against children with disabilities, intervening and follow up on the cases of children that denounce.
- **Birth registration, name and nationality:** The Committee inquired about birth registration deadline of 11 days and about the fee that parents have to pay if there is a delay in the registration. Also, the Committee asked about the situation of children from parents without an identity card or born outside the country, the Committee wanted to know if those children would become stateless. The State of Palestine explained that the fee is a symbolic amount to encourage parents to register their children and provide them with an identity card. Parents non-holders of an identity card, or Palestinian born in foreign country must also register. Every Palestinian holding an identity card is entitled to a Palestinian passport, even if they are refugees, in order to facilitate their freedom of movement.
- **Forced marriage:** The Committee stressed their concern about early and forced marriage because in some cases Sharia courts have authorized girls' marriage under 12 years old. They asked which measures were being taken to revise and harmonize the age of marriage. The delegation expressed that marriage under the age of 12 had never happened in Palestine. They drafted a new law on the protection of the family from violence raising the age of marriage to 18 for male and females. Only an exception could be done if it is in the best interest of the child.
- **Sexual exploitation and abuse:** The Committee inquired which measures the State has taken to strengthen the child protection system in this specific issue. The Committee pointed out that sexual abuse of children is not openly discussed in Palestine and that victims suffer stigma and guilty. The State of Palestine recognized that they must improve their protection mechanisms related to sexual abuse and exploitation. They have created a special registry to minor victims of sexual abuse (children under 18 has this consideration) and they have established and implemented protection measures for them. Regarding the prevention of sexual harassment in schools the police and the ministry of education set up some measures to raise awareness about sexual violence within the education centers.



## Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew the State party's attention to the recommendations concerning the following areas:

- **Definition of the child:** The Committee urges the State party to amend and harmonize its legislation to remove all exceptions that allow marriage under the age of 18 years
- **Right to life, survival and development:** The Committee urges the State party to prevent children's participation in violence and apply all feasible measures to ensure their protection from the effects of hostilities and the care for child victims; to fully prohibit the recruitment and involvement of children in hostilities, and take prompt measures to investigate, prosecute and sanction the perpetrators in cases of child recruitment; to strengthen measures to address trauma experienced by children as a result of armed conflict and violence and its harmful impact into adulthood; to increase its investment in poverty-reduction measures and social welfare policies.
- **Birth registration and name:** The Committee urges the State party to consider waving fees for late birth registration, in particular for families living outside of the State party, and continue its measures to promote birth registration; to adopt regulations to ensure that children born to unmarried parents have the right to take on the name of at least one of their parents; to continue its efforts to facilitate family reunification and to provide services, including education and health care services, to children who lack identification.
- **Corporal punishment:** The Committee urges the State party to explicitly and fully prohibit all corporal punishment, in all settings, particularly in the home, educational and residential settings, and in all parts of the State party; to strengthen its measures to develop awareness-raising and education campaigns that promote positive, non-violent and participatory forms of child rearing and discipline, and that underscore the adverse consequences of corporal punishment.
- **Sexual exploitation and abuse:** The Committee urges the State party to establish a national database of cases of sexual exploitation and abuse with a view to formulating evidence-based national policy; to develop programs and policies, including awareness-raising activities, for the prevention of sexual exploitation and abuse, including in schools; to ensure access to justice for child victim of sexual abuse; to establish a child-friendly and multi-sectoral investigation and prosecution with the aim of avoiding the re-traumatization of child victims, and ensure their recovery, psychological assistance and social reintegration, including protection from stigmatization.
- **Children with disabilities:** The Committee urges the State party to adopt a human rights-based approach to disability, establish a comprehensive strategy for the inclusion of children with disabilities in society and expedite the adoption of the draft Decree-Law on the Rights of Persons with Disabilities; undertake awareness-raising campaigns in order to combat stigmatization, prejudice and multiple discrimination against children with disabilities; promptly investigate all cases of abuse and neglect committed against children with disabilities.
- **Asylum-seeking and refugee children:** The Committee urges the State party to increase the allocation of human, technical and financial resources to support refugee and internally displaced children, particularly measures aimed at ensuring their physical and psychological well-being, including food security, and at facilitating the reintegration of their parents into the job market.
- **Administration of child justice:** The Committee urges the State party to bring its child justice system fully in line with the Convention, to raise the minimum age of criminal responsibility to an internationally acceptable level of at least 14 years; to promote non-custodial and non-judicial measures for all child offenders; to ensure that ill-treatment of children in places of deprivation of liberty does not occur, provide qualified, independent and free-of-charge legal aid to children in conflict with the law and offer child-friendly and accessible complaint mechanisms; and to ensure the provision of legal support and other services to children detained by Israel and assist them after their release.

Some of the most important recommendations made by the committee have been developed above, but the Committee also drew the State party's attention to the recommendations concerning the following areas:



- **General measures of implementation:** Legal status of the Convention; legislation; comprehensive policy and strategy; allocation of resources; data collection; cooperation with civil society.
- **General principles:** Non-discrimination; respect for the views of the child.
- **Civil rights and freedoms:** Freedom of expression, association and peaceful assembly; right to privacy; freedom of thought, conscience and religion.
- **Violence against children:** abuse and neglect; harmful practices.
- **Family environment and alternative care:** Family environment; children deprived of a family environment.
- **Basic health and welfare:** Health and health services; adolescent health.
- **Education, leisure and cultural activities:** Education, including vocational training and guidance.
- **Ratification of international human rights instruments.**

## Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 5.2 on eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- 5.3 on eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation.
- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.
- 16.9 on providing legal identity for all, including birth registration.

## Next State report

CRC	
No. of report	2 <sup>nd</sup> & 3 <sup>rd</sup>
Due date	2 May 2020

**Disclaimer:** Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.