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CHILD SOLDIERS: ISRAEL AND PALESTINE

With special consideration for the role of United Nations organizations
and their direct relation to child soldiers in Israel and Palestine

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The MILLA Project is an accredited civil society organization to the UN Committee on the Exercise of the Inalienable Rights of the Palestinian people.

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Introduction

Throughout the years, many attempts have been made to establish, enforce, and maintain rights for the individual, with varying degrees of efficiency. However, despite these attempts, human rights continue to be disregarded, most notably those rights pertaining to the child. One of the most egregious breaches of such inhumanity is through the implementation of child soldiers. The Convention on the Rights of the Child, though not 100% effective, is the most respected and effective convention to date in dealing with these unalienable rights. With the addition of Optional Protocols, the convention is increasing its span and influence, as well as its area of enforcement, shining a light of hope in the eradication of children human rights abuses.

The Cape Town Principles established the modern, working definition for a child soldier as:

Any child - boy or girl - under 18 years of age, who is part of any kind of regular or irregular armed force or armed group in any capacity, including, but not limited to: cooks, porters, messengers, and anyone accompanying such groups other than family members. It includes girls and boys recruited for sexual purposes and/or forced marriage.¹

Therefore, child soldiers do not solely include those on the front lines of war. Girls and boys behind the scenes carrying out missions as cooks, messengers, sex slaves, etc. are also officially considered child soldiers and are protected under any such protocol. Children as young as 8 are forced into these paths and make up some of the 300,000 estimated child soldiers around the world in over 30 conflicts.¹ There are many reasons why children would voluntarily join the ranks of the military at such a young age ranging from lack of economic opportunity to believing violence is the only viable option to achieving change. Either way, the psychological and physical impacts of participating in war, especially at such a young and malleable age, can be devastating¹. Therefore, rehabilitation into normal, civilian life after violence is pivotal.

Psychologically, children often experience symptoms of post-traumatic stress disorder, regressive or aggressive behavior, and violence tendencies. As well, due to their young age, they have adapted to surviving in war, but have not had the opportunity to develop the skills necessary to surviving in a peacetime environment.¹ Rehabilitation is used to make the transition back to village life as easy and painless as possible for the victims. Two main methods of rehabilitation exist. The first model is used most commonly in West Africa and relies on disarmament, demobilization, and reintegration (DDR model).¹ Therefore, the children are de-weaponized, discharged from the military, and reintegrated back into society.

The second model is most commonly used in Mozambique. “Rebuilding Hope” focuses on the collaboration of the entire community in ensuring each victim readapts effectively to village life. Community leaders, western-trained psychologists, and local healers combine efforts to make the transition possible. This model is built upon the view that each individual community must rebuild itself with its own specific resources following trauma.¹

Either way, the best offense is a strong defense. Preventing children from exposure to such violent acts in the first place would greatly decrease the resulting psychological perils and negate the need for any rehabilitative models. Therefore, the United Nations, specifically, drafted and established a variety of declarations, conventions, and optional protocols on both human

¹ *Human Rights Education Associates. Crimes of War-Educator's Guide: Child Soldiers.* Human Rights Education Associates. Retrieved from http://www.hrea.org/index.php?base_id=128. 7/8/2013.

rights in general, and those directed specifically to the protection of children. The Convention on the Rights of the Child is, to date, the most effective and legally binding of the conventions.²

The Convention on the Rights of the Child (CRC), passed in 1989, is composed of 54 articles and 2 Optional Protocols, and is the first convention to establish social, economic, cultural, civil and political rights all in one document.² The CRC focuses on four core principles and strives to enforce the minimum entitlements and freedoms that all citizens should receive as unalienable rights. The four core principles are: 1. Non-discrimination, 2. Devotion to the best interests of the child, 3. Right to life, survival, and development, and 4. Respect for the views of the child. These are mainly based off the basic rights allotted to all humans, but with special consideration for the child. Indeed, the framework for this convention relies heavily on the United Nation's Declaration of Human Rights, which offered little protection specifically for the child and was not a legally binding document, the International Convention on Civil and Political Rights, and the International Convention on Economic, Social, and Cultural Rights.² The United Nations Declaration of Human Rights rightly claims, "motherhood and childhood are entitled to special care and protection".² Therefore, the convention specifically geared toward the protection of children's rights ensued.

The Convention on the Rights of the Child legally binds all those who ratify it to take "all feasible measures" to uphold the included protections.² Currently, all nations have signed the CRC and all but two have ratified it.³ As well, all nations must provide a method of satisfactorily verifying each person's age and a method to ensure implementation.² However, the states and governmental organizations alike are reminded that the protection of such rights can only become a reality when they are respected by all: the government and the citizens. The reality is that many children are not allotted these rights around the world. Children are the framework for the future. It is our duty as international citizens to ensure these rights are protected and upheld in each nation.

Organizations

Though the United Nations creates and maintains a variety of institutions to implement and sustain equality of human rights, grave violations remain prevalent in the international community. This section discusses such institutions and their roles, with special consideration for violence directed towards or actively related to children in Palestine and Israel.

There are many subcomponents of the United Nations which address human rights concerns. At the focal point of these mechanisms is the United Nations Office for the High Commissioner of Human Rights (OHCHR). Specifically, the OHCHR looks to the standards set upon by the United Nations, in such documents as the United Nations Declaration of Human Rights, to implement and enforce a variety of laws to ensure human rights offenses are kept to a minimum. Racial discrimination, indigenous peoples, the disabled, women, children, people with AIDs/HIV or who are otherwise stigmatized or marginalized, and those of different sexual orientations are the main categories that require specific guidelines for equality. As well, the

² UNICEF. *Convention on the Rights of the Child*. UNICEF. Retrieved from <http://www.unicef.org/crc/>. 7/8/2013.

Israel. *United Nations Human Rights Office of the High Commissioner for Human Rights*. Retrieved from <http://www.ohchr.org/en/countries/menaregion/pages/ilindex.aspx>. 7/16.

³ Amnesty International. *Protect Children's Human Rights*.

OHCHR strives to protect individuals from the threats of poverty, migration, internal and international armed conflict and manmade and natural disasters.⁴

The publication of Promoting and Protecting Minority Rights-A Guide for Minority Rights Advocates is another mechanism through which equality is conceptualized. This document includes specifics for the rights of people in ethnic, religious, and linguistic minorities within larger countries. As well, the United Nations Declaration on the Rights of Persons, passed in December of 1992, pinpointed rights for similar minorities. This is the most important UN instrument in maintaining and creating guidance and standards for human rights. In addition, policy committees are formed within the United Nations to increase communication within the difference UN departments and create a network for the discriminated and minorities.⁵

Specifically, these departments combine with set divisions within nations such as judicial institutions, civil society organizations, and law enforcement agencies to incorporate human rights safeguards. This support can include UN deployment efforts during humanitarian disasters or grave human rights violations, aid in the institution of laws or other mechanisms to combat violations, and training for military and security forces within the country to increase their awareness and compliance with standards. As well, the United Nations administers a variety of reports, such as the Universal Periodic Review, to record violations according to nation and specifies actions these nations can take to correct such violations. This written record keeps nations accountable and aware of any rights they violate.⁶

The Universal Periodic Review (UPR) boasts the participation of all 192 member states of the United Nations. As well, the UPR headed the call for 100% ratification of the first and second Optional Protocols on the Committee on the Rights of the Child and provided details for the development of the Human Rights Index, to be fully functional mid-2013. After compiling and analyzing violations around the world, a particular emphasis was placed on the rights of the child, calling each nation to assess all child protection laws and policies.⁷

Unfortunately, the rising number of committees and official documentation has revealed some challenges within the UN workforce. Most notably, with the rising amount of departments, personnel numbers are incredibly low, resulting in a backlog of reports. When a nation or other body reports a complaint, it might be three or four years before it is investigated further.⁸ This decreases the efficiency and force with which the United Nations so desperately needs to combat inequality. However, they call upon other institutions, such as specific government systems, to also voice equality and awareness in the international community.

⁴ *United Nations Human Rights Office of the High Commissioner*. Office of the High Commissioner for Human Rights, May 2012. Retrieved from <http://www.ohchr.org/EN/Pages/WelcmePage.aspx>. 7/16.

⁵ *United Nations Human Rights Office of the High Commissioner*. Discrimination. Office of the High Commissioner for Human Rights, May 2012. Web. 7/16.

⁶ *United Nations Human Rights Office of the High Commissioner*. Impunity and the Rule of Law. Office of the High Commissioner for Human Rights, May 2012. Retrieved from http://www2.ohchr.org/english/ohchrreport2012/web_en/allegati/4_Impunity.pdf. 7/16.

⁷ *United Nations Human Rights Office of the High Commissioner*. Human Rights Mechanisms. Office of the High Commissioner for Human Rights, May 2012. Retrieved from http://www2.ohchr.org/english/ohchrreport2012/web_en/allegati/8_Human_rights_mechanisms.pdf. 7/16.

⁸ *United Nations Human Rights Office of the High Commissioner*. Violence and Insecurity. Office of the High Commissioner for Human Rights, May 2012. Retrieved from http://www2.ohchr.org/english/ohchrreport2012/web_en/allegati/7_Violence.pdf. 7/16.

Particularly, western democracy is called upon as the preferred method for administering equality. It is through this government system that most of the population has a chance to voice their opinion.⁶ Unfortunately, a democratic system does not ensure all citizens access to human rights protection. Even in many of these countries, violations occur, but the violations tend to be less grave. Democracy is founded on the rule of law and is used to “ensure availability of accountability mechanisms of human rights and appropriate redress to victims of violations when other safeguards have failed”.⁹ Therefore, when instituted correctly, democracy should help not only prevent violations from occurring, preemptively, but also can offer solutions for those victims affected.

However, the rule of law can become a tumultuous grey area within the United Nations, itself. Often, though laws are developed within this intergovernmental organization, politics overshadow their domain. Confusion ensues and the “law” becomes a loose term rather than an objective truth. This is especially evident within the change in Palestinian status.

According to international law, a body may become a state after passing a set amount of objective qualifications. However, the region of Palestine recently became a nonmember observer of the United Nations after a vote by the member states.¹⁰ Specifically, the Montevideo Convention on the Rights and Duties of States, 1933, determined that the permanent population, defined territory, government, and capacity to enter into relations with other states were necessary to become a state.¹⁰ Unfortunately, Palestine does not pass these qualifications. This vote seemed to disregard the objective test, and focused solely on the political views of the respective member states on the Palestinian-Israeli controversy.

The vote to pass Palestine as a nonmember observer of the United Nations will allow Palestine a greater arena to voice their needs. Since the change in status, Palestine is now able to present cases to UN bodies, particularly those regarding human rights violations and the discussion of statehood.¹⁰ This new status will allow the UN a greater arena to protect the citizens of Palestine and ensure their rights are upheld to the fullest extent possible.

Understandably, citizens in Israel and Palestine experience similar human rights violations by their governments. Indeed, the State of Palestine and its territories are occupied, primarily by Israel, but documentation of violations remains an issue for both regions. The Fact Finding Mission on the Israeli Settlements in the Occupied Palestine is one of the research documents published to halt such violations and make them aware to not only the individual nations, but to the international community.¹¹

Israel currently occupies the area of Palestine and is in a prime position to commit human rights violations. Despite intervention, such violations continue to occur and are documented in the UPR. One matter which calls special attention is Israeli treatment of civilians during wartime. All Israel warfare must be in correlation with the Sharm el Sheikh summit of Oct 2000, which specifies armed conflict rules of engagement, particularly regarding civilians.¹² Civilians, especially those who are unarmed, should not be active and consistent targets. As well, Israel has

⁹ *United Nations Human Rights Office of the High Commissioner*. Impunity and the Rule of Law. Pg 30.

¹⁰ Davenport, David. "Palestinian Statehood: Politics Trumps International Law--Again." *Forbes*, 04 Dec. 2012.

Retrieved from <http://www.forbes.com/sites/daviddavenport/2012/12/04/palestinian-statehood-politics-trumps-international-law-again/>. 14 July 2013.

¹¹ *United Nations Human Rights Office of the High Commissioner*. Discrimination.

¹² *Israel*. *United Nations Human Rights Office of the High Commissioner for Human Rights*. Retrieved from <http://www.ohchr.org/en/countries/menaregion/pages/ilindex.aspx>. 7/16.

been blamed for including the international community in the controversial Palestine-Israel conflict, which directly violates the established human rights of the region.¹²

Regarding children in armed conflict, there were reports of the use of children as human shields for the Israeli army in times of war.¹³ This accusation was denied by officials and the UN was reminded of the openness exhibited by Israel to reform children's rights. Recently, children have been given access to free education, a stipend for those with disabilities, and increased laws for guardians. As well, they increased the age of a minor from age 16 to age 18.¹³

Despite these violations exhibited by Israel, and attempts to realign with the standards, Palestine also contributes to the human rights violations in this region. Palestinians are asked to keep in mind the Geneva Convention, again regarding the rights of civilians in wartime.¹⁴ As well, Palestine ratified the Oslo Accords in which Palestine agreed to only seek a change in international status through the accords. This did not occur in the recent request. Therefore, Palestine violated this treaty and as a result, put peace talks at risk, with the possibility of increased warfare and therefore increased violation of human rights. Davenport acknowledged the positive consequences of pursuing nonmember acceptance to the UN, and continues to say, "...but strengthening one's legal status on one hand by violating international legal agreement on the other hand is more than a little troublesome."¹⁵

As well, the organization UNRWA (United Nations Relief and Works Agency for Palestine Refugees in the Near East) works with those Palestinians, specifically, who feel particularly violated. Since Palestine is not considered a state on a global scale, the UNHCR, a United Nations organization dedicated to providing relief to refugees, including asylum, is unable to offer asylum to Palestinians. However, UNRWA is eligible to offer asylum to Palestinians. However, even with these additional accommodations made, many nations do not accept those citizens with a refugee status, making protection for human rights increasingly more difficult to obtain.¹⁶

Palestine recently accepted help in United Nations efforts to ensure minimal human rights violations. Palestine cooperated fully with the Human Rights Case Database to ensure all violations were recorded properly. As well, they provided technical assistance wherever necessary to ensure compliance and human rights standards.¹⁷

Israeli Child Soldiers / Palestinian Child Soldiers

Glancing at the surface of child soldier usage in Palestine and Israel, it would seem that Palestinian children are the sole victims of violence. However, this is not the case. After researching deeper into the workings of the Israeli government, it is clear that Israeli children also fall victim to violence. According to the Child Soldiers Global Report on Israel, "There

¹³ "Committee on the Rights of the Child reviews report of Israel." *United Nations Human Rights Office of the High Commissioner*. 3 June 2013. Retrieved from

<http://unispal.un.org/UNISPAL.NSF/0/4A4C4F00968B263585257B81004F5876>. 15 July 2013.

¹⁴ *Occupied Palestinian Territory*. *United Nations Human Rights Office of the High Commissioner for Human Rights*. Retrieved from <http://www.ohchr.org/en/countries/menaregion/pages/psindex.aspx>. 7/15.

¹⁵ Davenport, David. "Palestinian Statehood: Politics Trumps International Law--Again."

¹⁶ The United Nations Relief and Works Agency for Palestine Refugees in the Near East. UNRWA. Retrieved from <http://www.unrwa.org/>. 8/27/2013.

¹⁷ *United Nations Human Rights Office of the High Commissioner*. Violence and Insecurity. Pg 64.

were no reports of [Israeli] children serving in combat roles”.¹⁸ But looking at those children forced into military training, or who voluntarily join the military, under the age of 18 shows that often these children are sent to combat-specific elite units or encouraged to join other units such as border patrol. At border patrol units, these children are in uniform, with armed weapons defending the entry control points.¹⁹ It would be easy for enemies to mistake them for of-age soldiers and treat them as such, engaging in active gunfire or other violent attacks.

As well, Palestinian children are recruited as child soldiers by both Palestinians and Israelis. There are two reasons for Israelis to recruit Palestinian children, according to a report recently distributed by DCI-Palestine: human shields and intelligence informants. Using a child as a human shield involves putting them in more dangerous positions in times of war. For example, there is proof that one boy specifically was forced to inspect baggage suspected of holding live bombs.

As well, children have been used to enter dangerous buildings first and stand in front to military vehicles to discourage stone throwing.²⁰ There have been 19 documented cases of using Palestinian children as human shields from 2004-2012, 95% of which occurred in 2005, right after such a practice was ruled illegal by the Israeli court system.²¹ This lack of reciprocation between government policy and military actions uncovers a deeper issue in the nation of Israel. But it also brings to question how many child soldiers are truly used. Nineteen over the course of 8 years is an unfortunate number, but in such a war torn area, logic shows that likely many more endured the chaos of being a human shield.

As well, children are used as intelligence informants. Often, a Palestinian child is offered a bribe such as money or bail, or is physically threatened to keep watch on specific neighborhoods.²² When suspicious activity is visible, the children are required to report it to Israeli officers. Informing can cause great harm to the children in their communities. Along with the psychological distress possible if those in the community discover the children disclosing secrets to the enemy, the Palestinian community could enact violence on the child also.

However, Palestinians recruit their own children as soldiers as well. In such instances as the Intifada and other battles, children have been recruited and used as soldiers by throwing rocks at the enemy.²² Though throwing rocks may seem like a simple, inconsequential act, this encouragement from the government engrains the necessity of violence in these young citizens. The children are put in harm's way, and exposed to the possibility of incredible injury. Then-senator Hilary Clinton rightly said, “It is disturbing on a human level... it basically, profoundly poisons the minds of these children”.²²

¹⁸ Child Soldiers International, *Child Soldiers Global Report 2004: Israel*, 2004. Child Soldiers International. 2004.

¹⁹ Child Soldiers International: *Israel Shadow report to the Committee of the rights of the Child*. Child Soldiers International, August 2012. Retrieved on http://www.child-soldiers.org/research_report_reader.php?id=548. 8/20/2012.

²⁰ Nebehay, Stephanie. *Palestinian children tortured, used as shields by Israel: U.N.* Reuters. June 20, 2013. Retrieved on <http://www.reuters.com/article/2013/06/20/us-palestinian-israel-children-idUSBRE95J0FR20130620>. 8/23/2013

²¹ DCI-Palestine. *Report for Consideration Regarding Israel's Second Periodic Report to the UN Committee on the Rights of the Child*. Defense for Children International, 4 June 2012.

²² Ostroff, Maurice. *Enlisting child stone throwers and soldiers is war crime*. The Jerusalem Post..April 07, 2013. Retrieved on <http://www.jpost.com/Opinion/Op-Ed-Contributors/Enlisting-child-stone-throwers-and-child-soldiers-is-a-war-crime-309017>. 8/23/2013.

Call to Action

Throughout this report, certain things are clear by solely glancing at the paragraphs. This is perhaps the most alarming thing. A plethora of information clearly exists on different NGO's, IGO's and the like for good reason, but with very little hard evidence on the actual violent human rights violations currently plaguing children in Israel and Palestine. With the lack of transparency, and the plethora of reasons organizations find difficulty uncovering hard facts in this area regarding children, it is not surprising that governments of both nations continue to exploit their upcoming generations.

Even between existing organizations, with the information available to the average citizen, there appeared to be great conflict. Where one body of research would suggest a significant find in a certain area, another report was sure to deny such a find. Such contrast surely creates confusion for citizens and any other person intending to create their own baseline for research or enforcement of human rights. Perhaps a combined database of the most widely accepted facts and figures would prove to be a positive addition in the international research community. This database would decrease conflicting reports and show the most representative figures. With an increase in awareness comes an increase in action.

IDP and refugee camps are barely a temporary solution to a long-term problem. Hopefully, increased attention in this area will shed light on such violations and create an atmosphere for peace talks and a solid foundation for the support of human rights, not only for children, but for all citizens of the region.

Israeli and Palestinian children need an addition to the already great organizations in the international arena. They need a body of people collecting facts, discerning the truth, and clawing for justice.

Conclusion

Children are an integral part of society and deserve the same inalienable rights as any other human. Despite a plethora of documents, accords, laws, and guidance which actively fight human rights violations in an international arena, violations against the use of child soldiers continue to occur globally. Specifically in Palestine and Israel, much conflict continues to prevail and with that a decrease in human rights standards by both nations. This lack of principle directly decreases citizens' way of life. As dictated in the OHCHR report, "...violence and insecurity continue to prevail ...which inhibits development and the capacity of individuals to lead dignified lives".²³ Therefore, it is evermore necessary to remain strong, maintain standards and push for the global implementation of human rights. These children need a voice in the international community, standing up for their rights and ensuring enforcement of basic, human standards.

²³ *United Nations Human Rights Office of the High Commissioner. Violence and Insecurity.*

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