



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Concluding observations on the initial report of the State of Palestine\*

#### I. Introduction

1. The Committee considered the initial report of the State of Palestine (CRC/C/PSE/1) at its 2444th and 2445th meetings (see CRC/C/SR.2444 and 2445), held on 28 and 29 January 2020, and adopted the present concluding observations at its 2460th meeting, held on 7 February 2020.

2. The Committee welcomes the submission of the initial report of the State party and the written replies to the list of issues (CRC/C/PSE/RQ/1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress made by the State party in various areas, in particular its accession to the Optional Protocol to the Convention on the Rights of the Child on a communication procedure, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and to the Optional Protocol to the Convention on the Rights of Persons with Disabilities, all on 10 April 2019, and its accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 18 March 2019. The Committee notes with appreciation the adoption of Decree-Law No. 4 of 2016 on the protection of Palestinian juveniles and of Decree-Law No. 8 of 2017 on public education, which stipulates the adoption of a policy on inclusive education. The Committee further welcomes the significant progress in the vaccination coverage of children and the high number of births attended by skilled health personnel.

#### III. Factors and difficulties impeding the implementation of the Convention

4. The Committee recognizes that the ongoing Israeli occupation of the territory of the State party, its building of new settlements and blockade of the Gaza Strip constitute a serious obstacle to the implementation of the rights enshrined in the Convention and lead to

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\* Adopted by the Committee at its eighty-third session (20 January–7 February 2020).



grave violations of children's rights, such as excessive use of force and abuse by Israeli security forces, including in the context of demonstrations and clashes, restrictions on children's freedom of movement, displacement, house demolitions and illegal settlements, arbitrary detention, ill-treatment, attacks on schools and hospitals, and denial of access to humanitarian aid. The Committee recalls the obligations of Israel, as the occupying Power, under international humanitarian law and international human rights law. It recognizes that the above-mentioned challenges limit the State party's effective control of its own territory and its possibilities to ensure children's rights. However, the Committee notes that the Convention is applicable in the entire territory of the State party. In this regard, the Committee regrets the State party's limited progress in resolving internal political issues that negatively affect children's rights and contribute to the political and geographic fragmentation in the State party. It notes that, owing to this fragmentation, children are subject to multiple legal systems that impede the full realization of their rights under the Convention.

#### **IV. Main areas of concern and recommendations**

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It also urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

##### **A. General measures of implementation (arts. 4, 42 and 44 (6))**

###### **Legal status of the Convention**

6. The Committee notes that the Convention and other international human rights treaties take precedence over national legislation after their official publication in the official gazette and incorporation into national law, according to decisions No. 4 (2017) of 19 November 2017 and No. 5 (2017) of 12 March 2018 of the Supreme Constitutional Court. The Committee is, however, concerned that, according to the Supreme Constitutional Court, the application of provisions of international treaties is dependent on their conformity with "the national, religious and cultural identity of the Arab Palestinian population".

7. **The Committee recommends that the State party:**

(a) **Expedite the implementation of the ministerial decision of 13 January 2020 to publish the Convention in the official gazette and to equally do so for other international human rights treaties;**

(b) **Take all other steps necessary for the incorporation of international human rights treaties into national law and their full application in the State party;**

(c) **Ensure that the interpretation of the Supreme Constitutional Court in its decisions No. 4 (2017) and No. 5 (2017) does not prevent the enjoyment of children of all rights enshrined in the Convention and in other international human rights treaties, ensuring primacy of the Convention over national legislation.**

###### **Legislation**

8. While welcoming the Palestinian Children's Act No. 7 of 2004, amended in 2012, and the establishment of a committee mandated to harmonize national legislation with international treaties in 2017, the Committee is seriously concerned that:

(a) The Palestinian Legislative Council was dissolved by the Supreme Constitutional Court in its decision No. 10 (2018), and that since the Council's suspension

in 2006, the State party legislates by decree-laws issued by the President, which are not recognized and applied in the Gaza Strip, leading to multiple sets of laws with varying degrees of protection;

(b) The Legal Harmonization Committee only reviewed selected legislation and that no mechanism and timeline have been established to fully harmonize national legislation with the Convention;

(c) There is no information on the timeline to review and adopt a number of draft laws, including the Decree-Law on family protection and the Decree-Law on the rights of persons with disabilities.

9. **The Committee urges the State party to:**

(a) **Expediently schedule and organize national elections, including for the Palestinian Legislative Council, and ensure the recognition, harmonization and enforcement of child-related national legislation in all parts of the State party;**

(b) **Conduct a comprehensive review to fully harmonize its existing legislation with the principles and provisions of the Convention;**

(c) **Expedite the adoption of pending child-related legislation.**

**Comprehensive policy and strategy**

10. The Committee notes the adoption of a strategic plan for the protection of children (2018–2022), the National Policy Agenda (2017–2022) and sectoral strategies on early childhood, education, health and juvenile justice, and also notes the ongoing review of the National Policy Agenda and sectoral strategies. However, the Committee is concerned that the State party has not:

(a) Adopted an overall policy on children’s rights, with a strategy and budgeted action plan;

(b) Allocated the required resources to implement and regularly monitor relevant strategies and policies.

11. **The Committee recommends that the State party:**

(a) **Prepare a comprehensive policy on children that encompasses all areas covered by the Convention and continue its efforts to revise existing policies and strategies;**

(b) **Develop a comprehensive implementation strategy for an overall policy and sectoral strategies, and a mechanism for monitoring and evaluation, supported by sufficient human, technical and financial resources.**

**Allocation of resources**

12. The Committee notes the limited financial resources of the State party in the context of the Israeli occupation and its blockade of the Gaza Strip, and the State party’s reliance on decreasing international financial support. Nevertheless, the Committee is concerned that the preparation, approval, execution and monitoring of budgets lacks a child-rights perspective and the participation of civil society and children.

13. **Recalling its general comment No. 19 (2016) on public budgeting for the realization of children’s rights, the Committee recommends that the State party:**

(a) **Utilize a child-rights approach in the budgeting process by including specific indicators and a tracking system for the allocation and use of resources for children throughout the budget and in relevant sectors and agencies;**

(b) **Use this tracking system for assessment of how investments in any sector could serve the best interests of the child, ensuring the full participation of civil society and children in budget-related processes.**

**Data collection**

14. The Committee notes the work of the Palestinian Central Bureau of Statistics, but remains concerned that disaggregated statistical data on children's rights is not collected for all areas covered by the Convention and the Optional Protocols and is not sufficiently used in decision-making processes.

**15. The Committee recommends that the State party ensure that statistical data and indicators cover all areas of the Convention, are disaggregated by age, sex, ethnic and national origin, urban or rural area, geographic location, and disability, refugee and socioeconomic status, and that they are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.**

**Cooperation with civil society**

16. The Committee notes the formal cooperation agreements established by the State party with civil society organizations working in the area of children's rights, but it is concerned that, according to information received, there have been cases of harassment and arbitrary detention of human rights defenders and civil society representatives working on children's rights in both the West Bank and the Gaza Strip.

**17. The Committee reminds the State party of the important role of independent civil society organizations and human rights defenders in promoting the human rights of children, and urges the State party to promptly and thoroughly investigate any cases of violence committed against human rights defenders and civil society representatives working on children's rights.**

**B. Definition of the child (art. 1)**

18. Noting that the Personal Status Law, amended on 21 October 2019, increases the minimum age of marriage for girls and boys to 18 years, the Committee remains seriously concerned that the amended article 5 of the Law stipulates that sharia courts and other religious authorities may allow exceptions to the minimum age of marriage.

**19. 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.**

**C. General principles (arts. 2, 3, 6 and 12)****Non-discrimination**

20. The Committee remains deeply concerned about persistent de facto discrimination against some groups of children, particularly against girls, specifically with regard to custody, maintenance and inheritance, and against children belonging to the Bedouin communities, primarily living in Area C, concerning access to services and protection from stigmatization and violence.

**21. The Committee recommends that the State party enact comprehensive anti-discrimination legislation; review its legislation and practices, with a view to prohibiting all forms of discrimination, particularly against girls; and strengthen the effectiveness of its social protection system for all children in disadvantaged or vulnerable situations, without discrimination.**

**Best interests of the child**

22. The Committee is concerned that considerations of age and gender of the child often prevail over the best interests of the child.

**23. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party ensure that this right is consistently applied in all judicial**

**proceedings and decisions, and develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.**

#### **Right to life, survival and development**

24. The Committee is deeply concerned about the context of the Israeli occupation, the blockade of the Gaza Strip and armed conflict, which affects the right to life, survival and development of children, in particular:

(a) The high number of children killed and injured as a result of the Israeli occupation, its building of settlements and blockade of the Gaza Strip, as well as the participation of children in demonstrations and conflict-related activities against Israel in both the Gaza Strip and the West Bank, and reports that such participation has sometimes been encouraged and facilitated and that the death or injury of children has been glorified by authorities of the State party, de facto authorities in the Gaza Strip and non-State armed groups;

(b) The recruitment and use of children in hostilities by non-State armed groups operating from the territory of the State party and the attempt by Israeli forces to recruit Palestinian children as informants;

(c) The negative effect that the Israeli occupation, its building of settlements and blockade of the Gaza Strip, as well as the restrictions of movement and violence in the context of demonstrations, clashes, search and arrest operations, evictions and detention have on children's immediate and long-term psychological well-being;

(d) The high level of poverty, unemployment and reliance on food aid, as well as the inaccessibility of affordable and safe drinking water, particularly in the Gaza Strip, leading to an increase in malnutrition-related conditions among children and pregnant and breastfeeding mothers.

25. **The Committee urges the State party to:**

(a) **Prevent children's participation in violence and apply all feasible measures to ensure their protection from the effects of hostilities and to care for child victims, which should include:**

(i) **The implementation of the code of conduct signed by all Palestinian parties and factions, which prohibits the use of children in any conflict-related activities, as stated by the State party's delegation in the dialogue;**

(ii) **The offer of guidance to children on safety and protection measures;**

(iii) **The provision of rehabilitation and psychological and medical health care;**

(b) **Fully implement the Palestinian Security Forces Military Service Act No. 8 of 2005 and article 46 (1) of the Palestinian Children's Act, which 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;**

(c) **Strengthen measures to address trauma experienced by children as a result of armed conflict and violence and its harmful impact into adulthood;**

(d) **Increase its investment in poverty-reduction measures and social welfare policies, including by strengthening the Palestinian Cash Transfer Programme and by improving its methods to assess multidimensional poverty, and to ensure that children living in poverty receive adequate financial support and have access to affordable food and safe drinking water.**

#### **Respect for the views of the child**

26. Noting the existence of about 50 student parliaments in the West Bank, the Committee is concerned about the absence of a mechanism to systematically facilitate children's effective engagement with national processes on issues that affect them.

27. **The Committee recommends that the State party establish a consultative mechanism or structure to involve children in all affairs affecting them, including in the design of laws, policies, programmes and services.**

#### **D. Civil rights and freedoms (arts. 7, 8 and 13–17)**

##### **Birth registration and name**

28. The Committee is concerned that:

(a) The registration of children, particularly children of parents living outside of the State party, is often delayed and that fees apply if the registration is not made within 11 days of the birth;

(b) Children born to unmarried parents or as a result of incest cannot take their parents' name;

(c) Some children lack identification, because they do not have a birth certificate and/or their parents do not hold Palestinian identity, including because they reside outside the State party or in East Jerusalem, or stay illegally in the West Bank or the Gaza Strip, and that this can lead to family reunification requests being delayed.

29. **Taking note of target 16.9 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Consider waiving fees for late birth registration, in particular for families living outside of the State party, and continue its measures to promote birth registration;**

(b) **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 and that children born of incest are afforded the same opportunity, where it is in their best interest;**

(c) **Continue its efforts to facilitate family reunification and to provide services, including education and health-care services, to children who lack identification.**

##### **Freedom of expression, association and peaceful assembly**

30. The Committee is deeply concerned that:

(a) National legislation, including Decree-Law No. 16 of 2017 on cybercrimes, in force in the West Bank, and the Criminal Code Ordinance (No. 74 of 1936), in force in the Gaza Strip, could be interpreted as allowing the limiting of the right to freedom of expression, including of children, and that according to reports received by the Committee, children had been arrested by the Palestinian Security Forces and the de facto authorities in the Gaza Strip for expressing their political opinions;

(b) Article 1 of the Bylaw No. 9 of 2003 of the Law on charitable societies and non-governmental organizations (2000) requires founders of an association to be at least 18 years of age.

31. **The Committee urges the State party to ensure full respect for the right of all children to freedom of expression, association and peaceful assembly as guaranteed by the Convention, including by repealing all laws and regulations that restrict that right, by allowing children to set up associations and by ensuring children's access to information and material from a diversity of national and international sources.**

##### **Right to privacy**

32. The Committee notes the measures taken by the State party to protect the privacy of children in the context of child justice, but remains concerned that the media often disseminate the names, photos and other personal details of children who have been injured, who have allegedly committed a crime or whose family member has allegedly committed a crime.

33. **The Committee recommends that the State party expedite its work on a national policy to ensure the right to privacy of children in the field of media and the digital environment.**

#### **Freedom of thought, conscience and religion**

34. While taking note of reports that legislation in the State party provides that a child should be protected from any influence on his or her faith, the Committee is concerned that any child who wants to change his or her religion can do so only if the parents do not object.

35. **The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion, and respect the rights and duties of parents to provide direction in a manner consistent with the evolving capacities of the child.**

### **E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

#### **Corporal punishment**

36. The Committee is seriously concerned that:

(a) Children in the State party, particularly boys, are subjected to corporal punishment, especially in the home and at school;

(b) Corporal punishment is lawful under article 62 of the Penal Code No. 16 of 1960, in force in the West Bank, and is not explicitly prohibited in the Law on Education (2017).

37. **Bearing in mind its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to:**

(a) **Amend article 62 of the Penal Code No. 16 of 1960 and the Law on Education (2017) to explicitly and fully prohibit all corporal punishment, however light, in law, in all settings, particularly in the home, educational and residential settings, and in all parts of the State party, and fully implement and enforce article 29 (4) of the Basic Law (2003) that prohibits corporal punishment of children;**

(b) **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, targeting in particular children, parents, teachers and social protection professionals.**

#### **Abuse and neglect**

38. The Committee notes with appreciation the steps taken by the State party to increase the protection of children, including its work on the draft Decree-Law on family protection and the establishment of a child protection department in the Ministry of Social Development, as well as a child protection network, a dedicated police bureau and a database on children subjected to violence. It also notes the existence of several complaint mechanisms, including by the Ministry of Social Development, the Ministry of Justice, the police and the public prosecutor. However, the Committee is concerned about:

(a) The high incidence of children being subjected to abuse, neglect and other forms of violence, particularly in schools by teachers and peers;

(b) The low rate of reporting of cases of violence against children;

(c) The underresourcing of the national child protection system, including the insufficient number of well-trained and specialized staff;

(d) The absence of information on measures to prevent violence against children and to address the specific needs of girls who are victims of violence, particularly the fact that they are being placed in the same facilities together with girls in conflict with the law.

39. **Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and taking note of target 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Effectively enforce article 29 of the Basic Law and articles 1 and 42 of the Palestinian Child Act concerning the protection of children against abuse and strengthen its measures to implement the policy on school violence (2013);**

(b) **Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child abuse and neglect, and continue training the professionals concerned to identify and adequately respond;**

(c) **Allocate adequate human, technical and financial resources to the national child protection system and other measures to protect children from abuse and neglect in order to ensure a comprehensive and effective child protection infrastructure;**

(d) **Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children in order to formulate a comprehensive strategy for preventing and combating violence against children, including a gender perspective.**

#### **Sexual exploitation and abuse**

40. The Committee is seriously concerned that:

(a) Disaggregated statistical data on cases of sexual exploitation and abuse of children and on the number of investigations, prosecutions and their outcome are not systematically collected;

(b) A high number of children experience sexual violence, particularly in the school environment, and that child victims of such violence suffer from stigmatization and discrimination;

(c) Child victims of sexual violence often lack access to justice owing to recourse to customary mechanisms and that girls who are victims of sexual abuse, in particular rape, have reportedly been required to marry the abuser.

41. **Taking note of target 5.2 of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Establish a national database of cases of sexual exploitation and abuse with a view to formulating evidence-based national policy;**

(b) **Develop programmes and policies, including awareness-raising activities, for the prevention of sexual exploitation and abuse, including in schools;**

(c) **Ensure access to justice for child victims of sexual abuse, including by combating impunity of abusers;**

(d) **Establish a child-friendly and multisectoral investigation and prosecution with the aim of avoiding the retraumatization of child victims, and ensure their recovery, psychological assistance and social reintegration, including protection from stigmatization.**

#### **Harmful practices**

42. The Committee is seriously concerned about the high number of marriages of girls under the age of 18 years, which are a result of insecurity and economic deprivation and lead to early childbearing and school dropout.

43. **Recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices and taking note of target 5.3 of the Sustainable Development Goals, the Committee urges the State party to take active measures to put an end to child marriage and develop awareness-raising**

**campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls and boys.**

**F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20, 21, 25 and 27 (4))**

**Family environment**

44. The Committee is concerned that:

(a) National legislation concerning family and personal status matters is fragmented in the State party and that provisions of the Jordanian Personal Status Law (1976) and the Egyptian Family Rights Law (1954), which are in force in the West Bank and the Gaza Strip, respectively, allocate guardianship rights to fathers and specify the parent with whom children have to live in case of the divorce of their parents, without consideration of the best interests of the child;

(b) Maternity leave is limited to 10 weeks;

(c) A number of children are deprived of the care of at least one of their parents owing to restrictions by Israel on the freedom of movement to and from the State party and on residence in the State party or East Jerusalem.

45. **The Committee recommends that the State party:**

(a) **Harmonize national legislation concerning family and personal status matters and bring national legislation into line with the Convention and international standards, particularly concerning guardianship and maintenance of children;**

(b) **Increase the duration of paid maternity leave to at least 14 weeks, in line with international standards, and undertake all other measures to facilitate the equal sharing of parenting responsibilities between mothers and fathers;**

(c) **Take all possible measures to ensure that children are cared for by both parents.**

**Children deprived of a family environment**

46. The Committee notes with serious concern that:

(a) The State party has not established a comprehensive database on children deprived of a family environment and on the support that they receive;

(b) The financial support to orphaned children ended in 2016 (CRC/C/PSE/1, para. 248);

(c) Children have reportedly been removed from their families without a court decision;

(d) Children with different needs, including children deprived of a family environment, child victims of neglect and abuse and children with behavioural problems or accused of offences, are placed in the same residential care institutions;

(e) Monitoring of residential and foster care of children deprived of a family environment is infrequent, in part as the result of an insufficient number of qualified child protection counsellors.

47. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee urges the State party to:**

(a) **Collect data on children who are deprived of a family environment and the support they receive, including by finalizing the foster care database (CRC/C/PSE/1, para. 261), in order to facilitate regular monitoring of their situation;**

(b) **Ensure that all orphaned children receive social assistance, in line with article 31 of the Palestinian Children's Act;**

(c) **Ensure that removal of children from their families is based on a court order;**

(d) **Further support and prioritize family-based care for all children under the age of 18 years who cannot stay with their families, with a view to reducing the institutionalization of children, and ensure that children in residential care are housed and provided with services according to their needs;**

(e) **Allocate the human, technical and financial resources necessary to fully implement the Foster System Regulations (2013) and ensure periodic review of the placement of children in foster care and alternative care institutions, and monitor the quality of care therein.**

## **G. Children with disabilities (art. 23)**

48. While noting that the Decree-Law of 2017 on public education stipulates the adoption of a policy to implement inclusive education and that the General Directorate for Counselling and Special Education of the Ministry of Education conducts awareness-raising activities to combat stereotypes against persons with disabilities, the Committee is concerned about:

(a) The absence of information on the precise timeline for adopting the draft Decree-Law on the rights of persons with disabilities, for updating the national strategy on disability of 2012 and the national strategy for inclusive education of 2014, and for launching the “Disability Card” and an integrated database on persons with disabilities;

(b) Children with disabilities being subjected to stigmatization, discrimination, abandonment and concealment from society;

(c) Abuse and violence committed against adolescent girls with disabilities.

49. **Recalling its general comment No. 9 (2006) on the rights of children with disabilities and recalling also the commitment made by the State party on the occasion of the thirtieth anniversary of the Convention to draft a law on the rights of persons 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 that incorporates, inter alia, the development of accessible services, including health, education, social protection and support services, and:**

(a) **Expedite the adoption of the draft Decree-Law on the rights of persons with disabilities, the revision of relevant national policies and strategies and any other measures necessary, in cooperation with the council on persons with disabilities, to ensure that children with disabilities are guaranteed equal rights;**

(b) **Undertake awareness-raising campaigns in order to combat stigmatization, prejudice and multiple forms of discrimination against children with disabilities, promote a positive image of such children and their recognition as rights-holders, with respect for their dignity and evolving capacities on an equal basis with other children;**

(c) **Promptly investigate all cases of abuse and neglect committed against children with disabilities, paying special attention to those committed against girls and adolescents with disabilities, adequately sanction the perpetrators, and strengthen its efforts to protect girls with disabilities from abuse and neglect.**

## **H. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

50. The Committee notes that the rates of maternal, infant and under-5 mortality have decreased and that persons living in the Gaza Strip, including children, are provided with health insurance free of charge. The Committee is, however, deeply concerned about:

(a) The insufficient availability of specialized medical care, particularly prenatal, delivery and postnatal care, and of medicine and medical equipment in both the West Bank and the Gaza Strip;

(b) The devastating impact of the Israeli occupation and blockade of the Gaza Strip on the availability of and access to adequate health services, in particular the killing and injuring of health personnel, the damaging of health facilities by the Israeli security forces, the restrictions on movement from the Gaza Strip to the West Bank as well as within the West Bank, and the low rate of approval of applications by children to enter Israel for medical treatment.

**51. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:**

(a) **Ensure sufficient budgetary allocations to health services and establish clear budget lines for children's health, and ensure access to antenatal, delivery and postnatal care;**

(b) **Take all steps possible to restore health services, where disrupted by the hostilities and the Israeli blockade of the Gaza Strip, and continue efforts to provide safe childbirth and emergency health services through the establishment of local clinics and health centres, particularly in areas where restrictions of movement are imposed by Israel.**

#### **Adolescent health**

52. The Committee takes note of the Sexual and Reproductive Health Strategy (2018–2022) and notes the provision of free laboratory tests to curb HIV/AIDS. However, the Committee notes with concern:

(a) The criminalization of abortion by article 8 of the Public Health Act No. 20 of 2004;

(b) The high rate of adolescent pregnancies;

(c) That sexual and reproductive health education is not implemented in all schools and, where it exists, has content based on biological aspects only.

**53. Recalling its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:**

(a) **Decriminalize abortion in all circumstances and ensure access to safe abortion and post-abortion care services for adolescent girls, making sure that their views are always heard and given due consideration as a part of the decision-making process;**

(b) **Continue its efforts to ensure access to sexual and reproductive health information and services countrywide for girls and boys, including in schools, in particular access to modern contraception methods;**

(c) **Ensure an approach to sexual and reproductive health education that encompasses emotional, physical and psychological aspects.**

## **H. Education, leisure and cultural activities (arts. 28–31)**

### **Education, including vocational training and guidance**

54. The Committee is extremely concerned about challenges faced in the realization of the right to education, including the detrimental effect of the Israeli occupation, its building of settlements and the blockade of the Gaza Strip. In particular, the Committee is concerned about:

(a) The limited access of children to quality education, the shortage of qualified teachers, the requirement for some students to pay school fees, the lack of water and sanitation facilities in schools, the low enrolment rate in early childhood education and the insufficient access to vocational education;

(b) The high percentage of children with disabilities who are out of school, the prevalence of segregated education and the absence of adapted curricula, specialized teachers and accessible school buildings;

(c) The prevalent attacks on school facilities and personnel by Israeli forces and non-State armed groups operating from the Gaza Strip, the use of schools for military or other purposes by Israeli forces and the disruption of education through law enforcement operations by the Palestinian security forces, resulting in children and teachers being killed or injured and school facilities being damaged, which leads to the overcrowding of the remaining schools and the absence of children from school;

(d) The detrimental effect of the rule by the Ministry of Education and Higher Education, according to which an absence from school of more than 30 days requires a child to repeat a class;

(e) Reports that the contents of some textbooks do not promote peace and tolerance as outlined in article 29 of the Convention.

**55. The Committee urges the State party:**

(a) **Strengthen its efforts to improve the quality of education, ensure an adequate number of qualified teachers, develop a strategy on early childhood education and implement its national strategy for vocational and technical education;**

(b) **Provide inclusive education for all children with disabilities, including by finalizing the policy on inclusive education, and ensuring the training of teachers, the elaboration of adapted curricula and the reasonable accommodation of school infrastructure, paying particular attention to children with psychosocial and intellectual disabilities;**

(c) **Take all possible measures to protect students and teachers from the negative impact of the armed conflict on education, including preventive measures by the Palestinian security forces when undertaking law enforcement operations around schools, and by implementing its pledges under the Safe Schools Declaration, and ensure that non-State armed groups operating in the State party respect international humanitarian and human rights law and respect schools as protected objects;**

(d) **Provide children who cannot attend school owing to a lack of safety, whether at school or on the way to and from school, with continued learning opportunities and repeal the rule of the Ministry of Education and Higher Education that obliges such students to repeat a class;**

(e) **Ensure that the contents of school curricula are aligned with the aims of education as set out in article 29 of the Convention, in particular the promotion of peace and tolerance.**

**I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

**Asylum-seeking and refugee children**

56. The Committee is deeply concerned about the high number of refugee and internally displaced children in the State party owing to the Israeli occupation, forced displacement, evictions and armed hostilities. It notes with concern the dire situation of the majority of these children in refugee camps or living with extended family, including owing to overcrowding, poor living conditions, the unemployment of their parents, the discontinuation of cash payments by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, food insecurity and lack of privacy.

57. **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**

58. The Committee welcomes the adoption of the Decree-Law No. 4 of 2016 on the protection of Palestinian juveniles. However, the Committee is deeply concerned that:

(a) The Decree-Law on the protection of Palestinian juveniles is not being implemented in the Gaza Strip and is not fully being implemented in the West Bank, owing to the absence of a dedicated budget and the unequal geographic distribution of institutions and services in the territory of the State party;

(b) The Palestinian Children's Act and the Decree-Law on the protection of Palestinian juveniles set the minimum age of criminal responsibility at 12 years, while the Juvenile Offenders' Law No. 2 of 1937, applicable in the Gaza Strip, sets it at 9 years;

(c) Children are sometimes held in centres for deprivation of liberty for adults and there is limited information on the use of non-custodial measures;

(d) Children in detention, both in the West Bank and in the Gaza Strip, are reportedly ill-treated;

(e) A large number of children are held in detention by Israel for security offences and are reportedly ill-treated and subject to violations of due process.

59. **Recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to:**

(a) **Bring its child justice system fully into line with the Convention and other relevant standards in all parts of the State party, including by providing the necessary human, technical and financial resources to fully implement the Decree-Law on the protection of Palestinian juveniles in all parts of the State party;**

(b) **Raise the minimum age of criminal responsibility to an internationally acceptable level of at least 14 years;**

(c) **Promote non-custodial and non-judicial measures, such as diversion, probation, mediation, counselling or community service, wherever possible, for all child offenders, and in cases where detention is unavoidable, ensure that detention conditions for children are compliant with international standards;**

(d) **Ensure that ill-treatment of children in places of deprivation of liberty does not occur, provide qualified and independent legal aid free of charge to children in conflict with the law and offer child-friendly and accessible complaint mechanisms;**

(e) **Continue to ensure the provision of legal support and other services to children detained by Israel and assist them through the provision of psychological support, rehabilitation, education and other measures, after their release.**

## **J. Ratification of international human rights instruments**

60. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

(a) **The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;**

(b) **The International Convention for the Protection of All Persons from Enforced Disappearance.**

61. The Committee urges the State party to fulfil its reporting obligations under the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, as the related reports have been overdue since 7 May 2016 and 29 December 2019, respectively.

## **V. Implementation and reporting**

### **A. Follow-up and dissemination**

62. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the initial report, the replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

63. The Committee notes with appreciation the National Standing Committee at ministerial level that was established by a presidential decree on 7 May 2014 and is in charge of following up on the accession of the State of Palestine to international human rights instruments. However, it notes that the National Standing Committee lacks sufficient human, technical and financial resources and does not yet function as a standing government structure to coordinate and prepare reports to and engage with international and regional human rights mechanisms, and to coordinate and track national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from those mechanisms. The Committee recommends that the State party allocate such resources and seek technical assistance from the Office of the United Nations High Commissioner for Human Rights. It emphasizes that the National Standing Committee should have the capacity to consult systematically with the Independent Commission for Human Rights and civil society.

### **C. Next report**

64. The Committee invites the State party to submit its combined second and third periodic reports by 2 May 2025 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

65. The Committee also invites the State party to submit a core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.