



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Consideration of reports of States parties

## Replies of the State of Palestine to the list of issues in relation to its initial report<sup>\*</sup>, <sup>\*\*</sup>

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\* The present document is being issued without formal editing.

\*\* The annex to the present report may be accessed from the web page of the Committee.



## **List of issues in relation to the initial report of the State of Palestine under the Convention on the Rights of the Child**

### **Part I**

#### **1. Measures taken to:**

##### **(a) Publish the Convention**

1. The State of Palestine is currently acting to publish the Convention in the Official Gazette, following ruling No. 5 of 2017 of the Supreme Constitutional Court, which clarified the hierarchy of laws. The ruling stated that international treaties take precedence over ordinary domestic legislation, particularly after they have been ratified and published and after they have gone through the formal process required to be issued as domestic legislation, which is binding both on individuals and on the authorities. The ruling also identified a mechanism for implementing international treaties within the Palestinian legal system via the adoption of a dual system whereby such treaties could be integrated into domestic law.

##### **(b) Apply laws in the Gaza Strip**

2. Under the Palestinian Child Act of 2004, as amended, which constitutes the legal framework for the rights of Palestinian children in the State of Palestine, the Palestinian Government is required to take action to defend and protect children's rights. For its part, Decree-Law No. 4 of 2016 regarding the protection of juveniles regulates all matters relating to juvenile criminal justice and the protection of the rights of children in conflict with the law. In addition, Decree-Law No. 8 of 2017 regarding public education regulates the right to education, which is a basic right of all children, without discrimination on the basis of colour, race, religion or disability.

3. The takeover by Hamas in the Gaza Strip has meant that the Palestinian Government has only limited possibilities to intervene and apply child-related laws there. In the face of such a situation, the State of Palestine is making efforts to end division and achieve Palestinian reconciliation. At its twenty-eighth session held in January 2018, the Palestinian Central Council reaffirmed its adherence to the reconciliation agreements and its commitment to work to form a government of national unity in order to consolidate political partnership and the unity of the Palestinian political system. In fact, the Palestinian President has officially announced preparations for general elections and consultations are currently ongoing with a view to holding them in the near future.

4. The State understands that current laws need to be unified between the West Bank, including occupied Jerusalem, and the Gaza Strip. For example, there is a Palestinian consensus about the importance of raising marriageable age and of reviewing the laws that regulate custody, maintenance and other matters. A proactive step to prepare the way for national reconciliation was taken in 2015 with the formation of a judicial committee to review legislation relating to the sharia judiciary. The committee has drawn up unified draft laws intended to regulate the work of the sharia courts. In 2017, a study was conducted to assess the various needs of sharia courts in the West Bank, including occupied Jerusalem, and the Gaza Strip with a view to relaunching services and rectifying the shortcomings that had emerged during the period of division. The sharia judiciary currently has a database at its disposal which identifies the current status of sharia courts, particularly those that were under the supervision of the de facto government during the period of division.

##### **(c) Guarantee the resources necessary for the effective application of the Palestinian Child Act**

5. Following the adoption of the Palestinian Child Act in 2004, the State of Palestine set up the Department of Child Protection in the Ministry of Social Development. Specialized child protection counsellors were appointed who have judicial authority in all governorates and are charged with the task of intervening, in accordance with the law, both to prevent situations from arising and to address them once they have arisen. In the same year, a centre for the protection of children was created, also as part of the Ministry of Social Development.

It provides assistance on a temporary basis to children who are at risk of delinquency, with a view to reintegrating them into their families and society. Work is ongoing to build the capacity of persons working in the field of child protection – the counsellors and the staff of the centre – in line with international laws and treaties.

6. The Ministry of Social Development runs several child-related programmes including a cash assistance programme, a marginalized categories programme, an administration and planning programme, and a local community development programme. Through those programmes it is possible to cover the staff costs and running costs of centres and to provide direct regular and emergency cash assistance to poor families and their children. The programmes also cover school-fee exemptions for pupils from poor or marginalized families and, in partnership with the Ministry of Health, the costs of health insurance for children from poor families and all children under the age of 6. In addition, assistance is offered to children with disabilities and to orphans, and financial allowances are provided for children in care. The programmes cover the costs and wages of staff in youth rehabilitation centres, which provide financial, psychological and vocational support to children who have dropped out of school. Children in the centres are provided with new clothes for religious festivals while services for children with disabilities are purchased from specialized institutions. Lastly, budgets have been allocated to celebrate Palestinian Child's Day and International Children's Day.

7. Child protection networks headed by the Ministry of Social Development were set up in 2009. The structure of the networks, which includes governmental and non-governmental institutions as well as international organizations, serves as a general framework within which those bodies coordinate in order to protect child victims of violence, ill-treatment, neglect and exploitation. The overall coordinator is the child protection counsellor in the Ministry. At the beginning of 2019, the Ministry of Social Development took a decision to include children as members of the technical committees of the protection networks. The purpose of the decision is to promote the effective involvement of children and a number of steps have been taken to select suitable child candidates, who must be between the ages of 12 and 16 and from categories such as gifted children, children with disabilities, children of former detainees or children from poor families, etc. Currently, donors are being asked to support a training programme for the children.

8. Under the Palestinian Child Act, as amended in 2012, the Ministry of Health provides free health insurance for children between the ages of 3 and 6, including free medical and clinical analyses and treatment at 1 shekel per drug dose.

9. The Ministry of Culture provides the resources that cultural organizations and centres need in order to undertake cultural activities. To this end it uses the culture budget, which is part of the general government budget, as well as the Norwegian-funded Palestinian Cultural Fund and aid from civil society.

## **2. Activities of the legal harmonization committee**

10. The legal harmonization committee has amended and submitted recommendations regarding the following child-related laws in the State of Palestine.

### **(a) Draft law on the protection of the family from violence**

11. The committee reviewed the draft decree-law on the protection of the family from violence to bring it into line with international instruments and to ensure that it duly reflected the best interests of the child. The committee's recommendations on the draft have been submitted to the Council of Ministers for it to take a decision. The draft includes a definition of the child that is in line with that contained in article 1 of the Convention on the Rights of the Child as well as a definition of foster families.

12. The draft decree-law states that any court proceedings in which a child is involved must be held promptly and in camera, and any delay must not last more than three days. The draft also states that the criminal provisions in the law itself are to be used as a guide when formulating allegations in any civil or sharia case – such as separation proceedings, child custody, maintenance, etc. – and when regulating the issue of custody and whether or not it should continue in cases where an offence envisaged in the decree-law is shown to have been committed. According to the draft decree-law, sharia courts have the power to remove

custody from an aggressor who is shown to have committed an offence against the victim. This takes place by means of an urgent request submitted by the victim to the court. Lastly, the draft makes it clear that, under no circumstances, may a case of domestic violence be dropped when the offence was committed against a person with a disability, a child or an older person.

13. Under the draft decree-law, the question of mediation is regulated in line with Decree-Law No. 4 of 2016 regarding the protection of juveniles, according to which mediation is to be conducted by the counsellor and by the Office of the Public Prosecutor. Mediation – which takes place only in cases of minor offences with the exception of cases involving extramarital relations – is conducted under the supervision of the Office of the Public Prosecutor in the presence of the competent prosecutor, the protection counsellor and the interested parties. If an agreement is reached between the victim (or victim’s representative) and the aggressor, the case then remains confidential until all the conditions have been fulfilled, treatment and follow-up plans for the aggressor are drafted by the Ministry of Social Development and the protection counsellor monitors the situation and submits reports to the Office of the Public Prosecutor.

**(b) Palestinian Labour Code (Act No. 7 of 2000)**

14. Amendments have been introduced into provisions in the Labour Code regarding the employment of children. The employment of children under the age of 15 is now forbidden and the employment of adolescents requires the written permission of their parents. The exception previously contained in the Code regarding the employment of an employer’s first-degree relatives has been abrogated, and the conditions and rights enshrined in the Code are now applicable to all workers and adolescents, without exception.

**(c) Decree-Law No. 10 of 2018 regarding cybercrimes**

15. A definition of child pornography was included in article 16 (1) and (2) of Decree-Law No. 16 of 2017 regarding cybercrimes. It defines pornographic acts and activities as per the Convention on Cybercrime and envisages criminal penalties for persons over the age of 18.

**(d) Raising marriageable age in Palestine**

16. The State of Palestine is acting to amend its legislation to raise marriageable age to 18 for both females and males alike.

**3. Please provide information about the draft strategic plan for the protection of children 2018 and about the roles and mandates of the National Council for Children and the Ministry of Social Development**

17. The Ministry of Social Development has developed a draft strategic plan for the protection of children 2018–2022 in cooperation with partners and with support from the United Nations Children’s Fund (UNICEF). The Palestinian Children’s Council also participated in the development of the plan through a series of workshops to canvass children’s views on priorities affecting them. The goals of the plan are to deliver improved and high-quality child protection services, to reinforce positive social customs and to protect children against violence. Another goal is to improve the skills of child protection workers and their understanding of protection procedures. Lastly, the plan seeks to promote accountability, follow-up and assessment within the protection system. The strategic child protection plan is sound and ambitious, but it requires financial, human and technical resources in order to be put into effect.

18. The involvement of the Palestinian Children’s Council is an extremely significant factor as all the recommendations made by the Council – as well as those made by UNICEF and Defence for Children International – were taken into account when developing the plan. In the same vein, the Ministry intends to form a united Palestinian children’s parliament in order to ensure the widest possible involvement in the planning of policies that affect children.

19. Despite the limited resources available, a number of the lesser goals enshrined in the plan have been achieved, including awareness-raising campaigns among families, children

and teachers. In addition, a complaints system within the Office of the Public Prosecutor has been set up, as has the Independent Commission for Human Rights. A complaints unit for all categories of citizen also exists in the Ministry of Social Development. Via the strategic plan for the protection of children 2018–2022, the Ministry will work to develop a special complaints system for children, particularly since the State of Palestine signed the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2019. In addition, a media campaign has been rolled out under the slogan “Protect my future”, members of grass-roots committees and governorates have been involved in child protection and a guide for service providers has been produced.

20. Child protection networks are focusing on local prevention strategies by increasing their own capacities, concluding memorandums of understanding with stakeholders and developing internal codes of practice for the police, health care, education, families and places of work. Unified case management and working procedures are also being developed. Efforts are currently being made to make protection counsellors of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) part the child protection networks and to achieve the goals of the strategic plan for the protection of children 2018–2022 in terms of alternative care, protection networks, stronger relations with partners and capacity-building among child protection workers.

21. The National Council for Children was created in 2017 under the leadership of the Minister of Social Development, and its secretariat is responsible for administering the children’s sector within the Ministry of Social Development. The Council – with members from governmental and non-governmental bodies as well as independent figures and academics specializing in children’s issues – is responsible for drafting national policies, strategies and plans regarding children in the State of Palestine. It has held a number of meetings but it still needs to become fully operational and faces a number of structural and financial challenges. The Council is to be reactivated and restructured with support from UNICEF and Defence for Children International.

22. The national policy agenda 2017–2022 (“Citizens first”) and sectoral and cross-sectoral strategies constitute the fourth of the national development plans, which the State of Palestine has been developing and issuing since 2008. Social justice lies at the core of the national policy agenda, under which the Government is committed to reducing poverty, developing integrated social protection systems for the poor and marginalized and promoting universal access to justice while also upholding gender equality, empowering women and securing a brighter future for Palestinian youth. The State also remains committed to providing quality comprehensive education as well as comprehensive and high-quality universal health-care services. In addition, the plan requires the authorities to ensure security and safety, strengthen the rule of law, meet basic needs, promote agriculture and rural communities, ensure environmental sustainability through the sustainable management of natural resources and protect Palestinian identity and cultural heritage.

#### **4. Arbitrary arrest of human rights defenders**

23. The Palestinian police has no recorded cases of arbitrary arrests against either children or adults. All arrest procedures require the issuance of a judicial warrant, either by the courts or the Office of the Public Prosecutor, after a crime has been committed that is punishable under national law. Moreover, there are laws in force that penalize arbitrary arrests and persons violating such laws are liable to be referred to the courts where, if found guilty, they face condign punishment. Decree-Law No. 4 of 2016 regarding the protection of juveniles states that children may be dealt with only by specially trained plain-clothes officers and by the Office of the Public Prosecutor for Children. These dispositions serve to ensure the correctness of all procedures involving children. Furthermore, officers in the general police force and in the police youth squad all receive training on children’s rights and on human rights in general.

24. According to the records of the Office of the Public Prosecutor for the State of Palestine, including those of the Office of the Public Prosecutor for Children, there have been no cases of arrests of human rights defenders, adults or children, over the past three years.

25. As regards arbitrary arrests of children, the Prosecutor General recorded four cases in which children were arrested at the behest of governors during 2017. They were followed up

with an intervention by the Office of the Public Prosecutor for Children to put an end to the detention.

## **5. Measures taken to:**

### **(a) Adopt the personal status law and raise the minimum age of marriage to 18**

26. A law is currently being drafted to raise marriageable age to 18 for both females and males. Furthermore, an integrated personal status law for the State of Palestine is in the process of being developed and drafted, taking due account of modern developments, the needs of Palestinian society and consistency with international treaties.

### **(b) Give primary consideration to the best interests of the child**

27. Primary consideration is given to the best interests of the child in all matters affecting them, particularly that of custody. The Sharia Enforcement Act No. 17 of 2016 envisages a sharia enforcement office separate from the office for the enforcement of ordinary laws, the purpose being the prompt application of sharia rulings with a minimum of hindrance for convicted parties in matters regarding the hosting, visiting or custody of children. The Sharia Enforcement Act regulates the enforcement of definitive sentences and urgent decrees regarding the right of Palestinian children to live in a united family with a healthy environment that protects their best interests. Children separated from one or both of their parents have the right to maintain regular and direct personal contact with both parents, and the Act envisages interventions to ensure that parents continue to abide by their obligations regarding care and communication.

28. The Act also requires the State to take measures to ensure that a child's parents or carers fulfil their duty and responsibility to provide the best possible upbringing and care. All actions in regard of the foregoing take place in cooperation and coordination with the Ministry of Social Development on the basis of a memorandum of understanding between the Ministry and the Bureau of the Chief Qadi. The memorandum, which concerns the referral of cases requiring curative or preventive interventions, seeks to ensure that sentences are enforced in keeping with the best interests of the child.

### **(c) Ensure that a child married under the age of 18 is not treated as an adult**

29. As concerns steps to ensure that children married under the age of 18 are not treated as adults, it should be noted that, as of the present moment, such marriages are considered valid under the law and have all the consequences of a valid marriage in terms of maintenance, dowry, progeny and inheritance. It is the responsibility of the Palestinian sharia courts to take the measures necessary to ensure that such persons cannot dispose of their own finances until they have reached the age of majority, and maintenance is the responsibility of the party concerned.

## **6. Measures to prevent violence:**

### **(a) In families, local communities and schools**

30. The Palestinian police take action to prevent sexual and physical violence in homes and schools with lectures to students of both sexes. During the academic year, the lectures are held at schools and, during the summer, at summer camps. Lectures are also given to parents and guardians in specialized associations, and meetings are held with parents' committees in schools. Moreover, radio and television broadcasts are used to provide advice and counselling about how to deal with and protect children in families, schools and clubs and to illustrate the working methods the police use in cases involving children.

31. The reception of a complaint about a case of child abuse and the referral thereof to the competent prosecutor is the basis for legal action before any measures are taken by the police to prevent violence against children.

32. Sometimes, cases of violence against children may be first detected by a school counsellor. In such circumstances, if the matter requires legal steps to be taken such as child

protection measures via the juvenile courts, the case is referred to the child protection counsellor.

33. For its part, the Ministry of Health has also developed a programme to protect children from violence, ill-treatment, and neglect. The programme includes mechanisms for early detection, diagnosis, referral and networking. Policies to support the programme have also been developed including free treatment at clinics and hospitals run by the Ministry. In addition, the Ministry of Health has developed a procedural protocol on the protection of children, which defines the various analytical, diagnostic and networking mechanisms, and their different roles. The Ministry has set up a health team in each health directorate – four teams in all – made up of a paediatrician, a psychiatrist and a nurse. In the coming period, the Ministry of Health plans to move towards the computerization of its child protection programme.

34. The Ministry of Health has provided training on its child protection programme to no fewer than 800 doctors and nurses in health directorates, emergency departments and children's departments in State-run hospitals, as well as to doctors in the Caritas Hospital (a private establishment) and to doctors and nurses of the Union of Palestinian Medical Relief Committees and the Union of Health Work Committees (non-governmental organizations). In addition, a Ministry of Health circular has been distributed to the private sector and to doctors' and dentists' federations regarding the obligation, under article 55 of the amended Palestinian Child Act, to report all cases in which children's bodily or mental health is at risk.

35. The Ministry of Education has rolled out a raft of measures to prevent violence and provide a safe educational environment in schools. The measures include a 2013 national policy paper on curbing violence and promoting discipline in educational establishments, which is the basis on which all cases of school violence are addressed. The aim is to protect pupils and teachers, create an educational and academic climate that is conducive to learning, promote a safe school environment, reinforce positive behaviours, lay the foundations for a system to protect students and education-sector workers and reduce poor performance and dropout rates. Preventive efforts to protect children are also made by identifying warning signs of possible violence. Accountability and protection are also being promoted through educational measures to tackle poor student behaviour and the setting up of a complaints mechanism within the Ministry of Education. The policy paper was the result of cooperation with institutions in northern and southern governorates, relevant ministries, UNRWA, UNICEF and civil society. Before the paper was launched, it was tested in a process that involved teachers, school health teams, headteachers, counsellors, students and parents.

36. The Ministry of Education has issued guidelines to combat all forms of violence in school and has implemented a child-friendly-school programme that aims to provide an educational, social, psychological and health-related school environment that is welcoming and friendly to children. The programme also envisages activities to protect children and teachers alike. In addition, modules have been incorporated into school curricula that aim to promote a culture of dialogue, respect for the opinions of others and the acquisition of basic life skills by pupils.

37. The Ministry of Social Development has also taken a number of measures in that connection. Through the child protection networks at the governorate level it has prepared and coordinated awareness-raising activities with community discussions in mosques and schools about protection issues such as child marriage, sexual abuse and domestic violence. Children's Day is celebrated with activities that aim to reach the largest possible number of minors and their families, with a view to preventing violence. Individual and family counselling is available on the role of families in the protection and welfare of children. The provisions of the Palestinian Child Act are applied against anyone who violates the rights of children through physical, sexual or psychological violence, ill-treatment or exploitation.

**(b) In alternative care**

38. Fostering is regulated by a special committee headed by the Ministry of Social Development. The qualifications of families are examined and tested, taking account of the best interests of the child and a psychological assessment takes place. The families must also give the undertakings necessary for foster care, as set forth in a protocol issued by the Council of Ministers. Potential foster families must apply to the child protection counsellors in the governorates, who then study their psychological, economic and social situation and make

recommendations concerning their suitability to the special committee, which obtains the necessary undertakings from the families. Suitable children are then given into a family's care, as per set procedures and for a trial period in order to ensure the child's stability in the foster family. Recently it has become possible for the foster family to give its name to the child in order to facilitate his or her subsequent integration into society. Specialized counsellors make periodic visits to foster families to monitor the situation of the children in their care, and those children are given a sum of money by the Ministry. Temporary alternative care is controlled by regulations issued by the Council of Ministers, and the Ministry is giving priority to the application of those regulations as part of its strategic plan for the protection of children 2018–2022.

**(c) Resulting from the occupation and the ongoing Israeli-Palestinian conflict**

39. According to United Nations reports, Israeli occupying forces killed 59 Palestinian children and wounded 2,756 during the course of 2018. In addition, 127 Palestinian children suffered ill-treatment while being held in detention by Israel, the occupying power. In that regard, various different ministries are working to address the impact of ongoing Israeli crimes and violations against Palestinian children, as detailed below.

40. The Ministry of Health – via emergency departments in State-run hospitals, primary health-care clinics, and community mental health centres – documents all child victims of the Israeli occupation and provides them with free treatment.

41. The Ministry of Information plays an educative role to protect children from the violence arising from the Israeli occupation. It encourages partner institutions – State-run or private media outlets – to cover issues involving Palestinian children sensitively and it transmits awareness-raising programmes on broadcast and satellite channels for families and society at large. The local media cover and document the continual abuses perpetrated against Palestinian children by the occupying forces and settlers, with reports, documentaries, short films and press conferences aimed at both local and international public opinion.

42. The Children's Information Service, which is part of the Ministry of Information, produces reports about children, including monthly chronicles of acts of aggression against Palestinian children during the Israeli occupation and short films documenting those acts. Over recent years, the Service has issued dozens of reports showing the methodical violations of children's rights being perpetrated by Israel, the occupying power. Children, in fact, are the category chiefly targeted by arbitrary arrests and torture in prison as well as by Israeli snipers through operations to kill or to injure with the deliberate intent of causing serious disabilities, particularly among children in the Gaza Strip. In addition, children are directly targeted by Israeli settlers, who are protected by the Israeli occupying forces. Examples include the crime committed against the child Mohammed Abu Khedir, who was burned alive then killed, and the arson attack against the Dawabsheh family, in which a 4-year-old boy Ahmad was left with serious burns the effects of which continue to this day and all members of his family were killed including an 18-month-old baby.

43. The Ministry also directs the news media to transmit programmes providing guidance for Palestinian children to avoid danger areas and to take general safety and protection measures in situations of shelling or attacks by the forces of occupation. In addition to the reports prepared by the Ministry of Information, United Nations agencies also document the continuing violations of the rights of Palestinian children under the Israeli occupation, including the crime of settlement building and the unlawful blockade of Gaza, and its effects on the fundamental rights of Palestinian children including the right to life, health, education, movement and others.

44. In order to ensure the inviolability of schools and to provide a safe environment, the Ministry of Health has set up emergency committees in the Ministry, in educational directorates and in schools themselves. The committee, which is known as the crisis unit, is led by the headteacher, teachers and educational counsellors and families and it monitors the violations that take place in the school, particularly those occasioned by the Israeli occupation. The general oversight authority in this regard is the General Directorate for Field Follow-Up, which monitors and documents violations and provides psychological, educational and legal support to address them. Assistance is also forthcoming from civil society and international institutions active in the field of child protection.



## 7. Establishment of reporting and referral mechanisms

45. Cases of violence against children are reported to the police. The child can appear in person accompanied by a guardian before the Department for the Protection of Families and Adolescents, which is present at locations that are easily accessible and known to all citizens. In rural communities, reports are submitted to the local police station whence they are formally referred to one of the Department's branch offices, which are open 24 hours a day. It is also possible to contact a specialized association to inform them about a problem relating to a child. In that case too, the matter is referred to one of the Department's branch offices, which maintain contact with such associations.

46. In cases of grave danger, the matter can be reported by telephone on the free police-contact number 100, whereupon a police patrol with plain-clothes officers is sent to the location of the incident. Reports can also be made by text message using the special police app of the Department for the Protection of Families and Adolescents. Using the aforementioned coordination and contact mechanisms, the matter is then referred between institutions – be they official bodies or civil society institutions – in accordance with official procedures, the child referral system and the Juvenile Protection Code.

47. The Department for the Protection of Families and Adolescents in each governorate is a fundamental part of the child protection network and its members hold regular meetings. Reports of violence directed against children can also be submitted to educational counsellors in both State-run and private schools as well as to social development counsellors. All groups within society are continuously made aware of mechanisms to contact and report to the Department's branch offices. This takes place by distributing brochures and participating in awareness-raising activities, as well as via the official police website.

48. The Office of the Public Prosecutor for Children has sought to open channels to facilitate communication, participation, reporting and referral for children in all its operations. To that end, it has created a special web page for children where they can file complaints about any rights violation they might have suffered.

49. The Office of the Public Prosecutor for Children has rolled out a children's complaints guide to help monitor, document and follow up on all violations against children who come into contact with the law committed by officials delegated to deal with children, including those who work in the justice system or in places of child detention. The guide explains the various stages of the process for administering complaints, beginning with the registration of the complaint followed by examination and analysis and any recommendations that might emerge. The purpose of the guide is that those procedures should be set down clearly and in writing, and firmly associated with the work and mandate of the Office of the Public Prosecutor for Children. Complaints are handled in accordance with the complaints handling procedures approved by the Prosecutor General with due consideration for confidentiality and the child's privacy.

50. The Palestinian Children's Council and Defence for Children International have formed a joint working group, which seeks to familiarize children with the working mechanisms, plans and strategies of the Office of the Public Prosecutor for Children, allowing the children to participate therein, express their views and observations and make proposals. The aim is to establish this as a regular and consolidated practice of the Office of the Public Prosecutor for Children.

51. The Palestinian courts apply a special system of criminal justice to juveniles. Separate facilities are made available for them, depending upon the resources of the Judicial Council, in line with the 2016 decree-law regarding the protection of juveniles and international standards of juvenile justice. Courts treat child offenders as victims and not as criminals, giving priority consideration to alternative measures and embracing restorative justice. There is a specialized judiciary including special courts and a special prosecutor, in addition to child protection counsellors.

52. The Mizan programme, which developed for courts working with cases involving juveniles, imposes a requirement to inform a parent or guardian, as well as the child protection counsellor, when a charge is filed against a juvenile.

## 8. System for monitoring alternative care institutions

53. An official legal file is prepared by the police then referred to the relevant bodies in the Office of the Public Prosecutor and the Ministry of Social Development with a view to finding an alternative family or a legal guardian to take responsibility for the child and protect his or her rights as part of a follow-up plan with a children's counsellor from the Ministry of Social Development. At the same time, legal proceedings are taken against the parents who have used violence against their children and an intervention plan is developed by social workers.

54. In that regard, the Ministry of Social Development provides psychological and social guidance services for families and ensures that they give the undertakings necessary to provide care and protection for children. In some cases, a child is temporarily separated from the family and placed in a protection centre while efforts are made to reintegrate the child into the family. A national children's database is to be developed, which will contain information regarding children and their families, as per the classifications given in the list of issues in relation to the initial report of the State of Palestine. Orphans are the responsibility of the Bureau of the Chief Qadi which, through the body responsible for administering orphans' funds, takes steps to provide them with health care, education and other necessities.

## 9. Early diagnosis and prevention of child disability

55. Services available for the early diagnosis and prevention of child disability include the following:

- Clinical testing for all children in the healthy child clinics;
- Phenylketonuria (PKU) testing for all newborn infants;
- Thigh-bone X-ray tests;
- Genetic testing.

56. With a view to preventing disabilities, there is a policy of premarital clinical tests as well as health-related awareness-raising activities among pupils about general safety in schools and in the street and among mothers about safety in the home. The Ministry of Health works with the Ministry of Education to protect the environment in and surrounding schools. In addition, the Ministry of Health has prepared the first draft of a protocol for the early diagnosis and prevention of disability, and efforts are under way to find parties willing to provide funding to complete the protocol and provide appropriate training.

57. The Ministry of Health has participated in the setting-up of a disability-card system, the first stage of which involved developing mechanisms for the early detection and diagnosis of disability and the creation of information and reporting networks with the Ministry of Social Development and other relevant institutions. Via its own hospitals or with purchases from the private sector, the Ministry of Health provides psychological support programmes and habilitation services for children with disabilities. The Ministry also takes action to prevent disability with vaccinations and the provision of special milk and nourishment for infants who test positive for PKU. All the Ministry's diagnostic and treatment services for mental or psychological disabilities are delivered free of charge. The Ministry does not provide any services for learning disabilities but, under the Health Insurance Act, treatment may be purchased from the private sector.

58. The Ministry of Education provides educational services to all children with disabilities between the ages of 6 and 18; i.e., from primary class 1 to grade 12. Recently, educational services have also been made available to children at the kindergarten stage. In all cases, the Ministry receives medical reports from the body competent to undertake early diagnosis of that category of persons – i.e., the Ministry of Health – which conducts basic tests on newborn infants such as PKU and hearing tests. However, there are still serious shortcomings in the diagnosis of children suffering from learning difficulties, hyperactivity, autism and intellectual disabilities, and greater efforts need to be made to find diagnostic instruments for all disabilities and to train specialists to identify the level of incapacity and the type of disability in each case. Currently, diagnoses are being made – not very effectively

– only as regards children with visual and hearing disabilities, mild mental disabilities or cerebral palsy.

59. Also with a view to the early diagnosis and prevention of disability in children, the Ministry of Social Development has created a strategic plan for early childhood two of the main components of which are prevention and early intervention. With support from UNICEF, the Ministry has developed an early intervention project based on growth indicators as well as a training guide aimed at educators in children’s nurseries, health-care workers, Ministry of Education staff and staff in kindergartens. The aim is to discover disability early using social, health, educational and knowledge-based indicators. Through the project, community centres are being set up in a number of governorates in order to facilitate access to early detection, diagnosis and intervention services.

**(a) Promote inclusive education in mainstream classes and not in “special needs classrooms”**

60. Every year, the Ministry of Education expands its construction of schools in order to accommodate greater numbers of students. New buildings are adapted to accommodate persons with disabilities who are integrated into school, particularly pupils with motorial or visual disabilities, thanks to special staircases and school health units. Depending upon the resources it has available, the Ministry supplies all students with disabilities who are enrolled in public or private schools with an appropriate school curriculum for all stages of their education. This includes materials printed in Braille for children with visual disabilities. The Ministry of Education also supplies students with special equipment to help them integrate with their peers at school such as laptops and Perkins Braille, and assistive devices such as crutches, wheelchairs, hearing aids, spectacles, etc. The Ministry continues to appoint increasing numbers of qualified and specialized staff to work with persons with disabilities.

61. The Ministry of Education has set up enrolment support programmes in order to increase school enrolment rates among children with disabilities. These include the resource-room programme under which pupils with disabilities enrol in school where they take many of the same classroom subjects as other pupils. This arrangement is widespread in 265 State-run schools across the West Bank and Gaza and is run by qualified special-education teachers. The Ministry has also set up the resource-centre programme, which involves experts in special education, occupational therapy, physiotherapy, educational counselling and speech and language. Currently, four such centres exist, three in the West Bank and one in Gaza. They monitor children in schools and refer them to the centres according to need. In addition, the Ministry has opened a new front with “sensory rooms” in some State-run and private schools to meet the needs of persons with severe disabilities, particularly children with autism and learning difficulties. The project has begun in one State-run and one private school, and its effectiveness will be assessed before rolling it out more widely.

62. Through its General Directorate for Counselling and Special Education, the Ministry of Education conducts activities aimed at altering stereotypes and promoting awareness about pupils with disabilities. These include the following:

(a) Celebrating occasions dedicated to persons with disabilities such as the International Day of Persons with Disabilities, the International Week of the Deaf and White Cane Day. Recent initiatives have included lectures, festivals, targeted activities, visits and school radio broadcasts;

(b) Activating the role of partner institutions involved in care for persons with disabilities, which are allowed to enter schools and run activities to help raise awareness and alter approaches. They include the Stars of Hope association, the Red Crescent, the Caring for Children with Special Needs association and a number of specialized centres;

(c) Issuing guides and protocols; they include a guide for teachers, published with the help of a partner association, to help them change the way that pupils interact with persons with disabilities and a guide on professional standards for resource room teachers;

(d) Raising awareness among new teachers and special education staff through training courses run regularly at the beginning of each academic year and as required;

(e) Involving all the general directorates within the Ministry in the application of the inclusive education policy; this takes place via a committee, the members of which have received appropriate training;

(f) Involving pupils with disabilities in activities and working to bring out their gifts and capabilities; this is done at the ministerial, directorate and school level and involves participation in competitions, both inside and outside Palestine, and the celebration of outstanding achievements;

(g) Forming committees of friends of pupils with disabilities within schools; the friends help and assist their peers and seek to facilitate their integration and to overcome any obstacles or challenges in that connection;

(h) Increasing school enrolment opportunities and the use of public services and transportation.

**(c) Protect adolescent girls with disabilities**

63. The Ministry of Health works to protect adolescent girls with disabilities from neglect and abuse. It trains health-care personnel, also via the child protection programme, to pay extra care to girls with disabilities, particularly those with mental disabilities, as they are considered to be at greater risk of neglect and sexual abuse.

**(d) Adopt the law on the rights of persons with disabilities**

64. The State of Palestine has undertaken a number of internal actions as part of its obligation to protect the rights of persons with disabilities. The most significant of these were the legislative steps taken to prepare the way for the drafting of a new law on persons with disabilities to replace the old Act No. 4 of 1999. To that end, a committee was created, headed by the Ministry of Social Development and with members taken from other ministries and civil society institutions, to prepare a draft law on the rights of persons with disabilities consistent with relevant international treaties. The conclusion of the committee's efforts was a first draft of the new law, developed to reflect the views of the competent institutions. Arrangements are currently being made to organize workshops with bodies active in the field of disability in the local community as well as with governmental institutions and international organizations in order to collect further observations and make the necessary amendments to the draft. An explanatory memorandum will then be prepared and referred to the Council of Ministers and other legal bodies. These proceedings will probably continue until the issuance and endorsement of the new law at the end of 2019.

## **10. Please provide information on the measures taken to:**

**(a) Reduce child mortality rates**

65. In 2018, in cooperation with the Institute of Public Health, the Ministry of Health of the State of Palestine updated its questionnaires regarding neonatal death, infant death and stillbirth, and provided training to maternity and childcare staff and to hospitals about how to fill them in. The questionnaire is being used in all State-run and private hospitals in a trial period from the beginning of 2019. The questionnaires are collected from hospitals and clinics by the maternity and childcare supervisor and sent to the community health office by the General Directorate for Primary Health-Care.

66. A model has been developed for the community health office to use when entering information from the questionnaires. The information can then be entered into and removed from the questionnaire in the computer model and, once the trial period is over, the questionnaire will be computerized.

**(b) Ensure adequate nutrition**

67. In order to ensure that children have access to adequate nutrition, the Ministry of Health has launched a child-friendly hospital initiative in which 18 State-run, private and charity hospitals in the northern and southern governorates, and the UNRWA hospital, are involved in a programme to encourage and promote breastfeeding for children up to the age of 2. The Ministry of Health also provides children with free nutritional supplements such as iron drops and vitamins A and D.

68. As part of its national nutritional monitoring programme, the Ministry takes bodily measurements of children and school pupils and seeks to learn their eating habits in order to

gain an understanding of the situation of nutrition in Palestine. In addition, the Ministry acts to ensure that the flour in Palestine is enriched with the necessary trace elements.

69. The Ministry has adopted a child measurement programme to monitor the development of children on the basis of the child growth standards of the World Health Organization (WHO). There is a prohibition on any form of distribution or advertising of infant formula milk, which has an impact on the health of both mother and child, and breastfeeding is supported and encouraged. Knowledge about balanced and healthy nutrition is disseminated via awareness-raising campaigns in print, audio and visual media.

70. In cooperation with the specifications and standards institution, the Ministry has issued obligatory technical guidelines regarding nutrition for children over the age of 6 months and the composition of nutrition during breastfeeding and the follow-on period.

**(c) Mental health**

71. The Ministry of Health provides mental health services for children via 14 mental health centres and clinics, which assess the children using psychological tests then provide treatment and individual or group counselling, according to need. One of these is the Halhoul centre for mental and community health, which specializes in the treatment of children and adolescents. It has a specialized medical team who assess, treat and follow-up on cases, first identifying the individual's needs then formulating a treatment plan. In 2018, child patients accounted for around 9 per cent of the overall operations of the mental health centres and for 24 per cent of new cases. Services are also provided by health-care specialists in schools whose role is to monitor cases and refer them to the competent bodies.

72. The Ministry of Health trains public health teams working in the area of primary health care on how to detect cases that require a psychological intervention and how to refer them to the centres for treatment and follow-up. A total of 185 doctors and nurses from four regions were trained in 2018. The doctors' training covered typical developmental disorders, behavioural problems and emotional issues. Community awareness-raising programmes are being run by teams working in the mental health centres to draw attention to children's problems and to explain to families how to deal with children who manifest troubling symptoms. For example, over four months in 2019, 12 meetings on autism were held at the Salfit centre and the Halhoul centre, with 216 participants.

73. The Ministry works with child-related civil society institutions on psychological and social support programmes for children who suffer from mental problems that require interventions. It also helps to formulate proposals regarding work with children and adolescents. The mental health unit takes part in meetings of the Mental Health and Psychosocial Support Network (MHPSS), which provides psychological and social services in marginalized areas through non-governmental psychological support organizations. The mental health unit also provides information and reviews work pressures with institutions such as Save the Children. In addition, the Ministry of Health provides consultancy services for the Ministry of Education and the Ministry of Social Development.

**(d) Ensure an adequate standard of living**

74. To help ensure that children and their families enjoy an adequate standard of living, the Ministry of Social Development provides monetary assistance as well as emergency and in-kind aid, assistive devices, medical appliances and soft loans. It also purchases services, provides exemptions from customs duties and, thanks to services provided by civil society associations, conducts vocational training.

**11. Measures taken to:**

**(a) Ensure access to sexual and reproductive health services**

75. The Ministry of Health has relaunched health education activities among adolescents of both sexes at youth clubs as well as in State-run, private and UNRWA schools. In that connection, it has produced an adolescent health guide and a health-education video for adolescents, which covers sexual and reproductive health and life skills. The various activities in schools, youth clubs and summer camps are normally conducted by health-education and health-care staff who have received special training. A youth- and adolescent-

friendly clinic has been opened in Yatta and a reference guide has been drafted for health-care personnel dealing with young married couples.

76. The Ministry of Education has been working to introduce the concepts of sexual and reproductive health (adolescent health) into school curricula, and an adolescent health guide exists that is used as a reference by educational counsellors and health-education personnel. With support from the United Nations Population Fund, the Ministry has created a national team to update the adolescent health guide, which has been in use for more than 10 years, and activities take place around issues such as sexual and reproductive health and gender-based violence.

**(b) Increase access to contraceptives**

77. A family planning protocol was drafted in 2017 then printed and distributed to health directorates and family planning clinics where doctors, nurses and midwives have received training in its use. Contraceptive pills have been distributed by WHO to family planning clinics and staff have received training in their use. The family planning methods available via the Ministry of Health are the intrauterine device, single- and dual-hormone contraceptive pills, emergency contraception pills, the contraceptive injection and the male condom.

**(c) Include information in school curricula**

78. Information about sexually transmitted diseases, adolescent pregnancies, contraception and HIV/AIDS has been included in school curricula.

**(d) Prohibit enforced medical interventions**

79. Female circumcision does not exist in Palestine and there are no medical interventions to remove the uterus of girls with disabilities. Such actions are forbidden and criminalized by law and anyone perpetrating them – whether a doctor, parent or guardian – is liable to criminal prosecution. Hysterectomies are carried out only in specific cases and on specialized medical advice.

## **12. Please provide information on the measures taken to:**

**(a) Prevent and reduce dropout from school**

80. The Office of the Public Prosecutor has taken a number of steps to curb school dropout through the effective application of article 50 of the 2017 Education Act, which states that education is compulsory and envisages legal liability for anyone violating that provision. Mechanisms in that regard focus on getting children back to school and bringing to trial the parties responsible for preventing them from pursuing an education. The Office of the Public Prosecutor for Children is in constant contact with educational directorates across the governorates in order to identify all instances in which children are absent from school.

81. School dropout rates have also been brought down through the application of a mediation system whereby members of the Office of the Public Prosecutor for Children uncover cases of school dropout in their early stages and steps are taken to ensure that the child returns to school under the supervision of specialists and counsellors from the Ministry of Education and the Ministry of Social Development. A total of 1,614 cases of school dropout have been thus handled over the past three years.

82. Another aspect of the anti-dropout policy involves the police, who maintain constant contact with headteachers and teachers' association throughout the year and undertake patrols in areas around schools. Steps are also taken to monitor children who are begging in the street or working at traffic intersections while, with the help of the Ministry of Labour, a watch is kept on factories and companies to ensure that they are not employing children below the legal age. If children are found to be working, child protection counsellors from the Ministry of Social Development work with the Office of the Public Prosecutor for Children to examine the situation and provide the support necessary for the children concerned to return to school.

83. The Ministry of Education has issued guidelines on how to handle and combat the phenomenon of school dropout by examining each case, considering the reasons behind it then having educational counsellors intervene with the children concerned and members of

their families with a view to convincing them to return to school. Awareness-raising activities take place to underscore the importance of education in all areas, including vocational education, with the aim of encouraging children to choose to remain in the school system. The Ministry of Education also coordinates with the Commission for Detainees and Former Detainees to promote the return to school of former detainees, cater for their educational, counselling and psychological needs and enable them to enrol in Ministry of Labour training centres.

84. The Ministry has also issued guidelines that aim to ensure that married children are able to complete their education and are duly monitored by an educational counsellor while at school. There are no precise statistics in that regard as the numbers of married pupils is extremely small.

85. In order to ensure continuity of education and the right of children to pursue an education, particularly children with special needs who require constant medical and clinical care, the Ministry of Education has opened classrooms in the Augusta Victoria Hospital and the An-Najah National University Hospital. These have become known as the “determination schools” and teachers and educational counsellors are on hand to monitor the children educationally and psychologically. The Ministry of Education also provides teachers for children who have been placed under house arrest by the Israeli forces of occupation.

**(b) Inviolability of schools**

86. In order to ensure the inviolability of schools and to provide a safe environment, the Ministry of Health has set up emergency committees in the Ministry, in educational directorates and in schools themselves. The committee, which is known as the crisis unit, is led by the headteacher, teachers and educational counsellors and families and it monitors the violations that take place in the school, particularly those occasioned by the Israeli occupation. The general oversight authority in this regard is the General Directorate for Field Follow-Up, which monitors and documents violations and provides psychological, educational and legal support to address them. Assistance is also forthcoming from civil society and international institutions active in the field of child protection.

**(c) Violence in schools**

87. The Ministry of Education has issued guidelines to combat all forms of violence in school and has implemented programmes to the same end, including a child-friendly-school programme that aims to provide an educational, social, psychological and health-related school environment that is welcoming and friendly to children. The programme also envisages activities to protect children and teachers alike. In addition, modules have been incorporated into school curricula that aim to promote a culture of dialogue, respect for the opinions of others and the acquisition of basic life skills by pupils. In 2013, furthermore, the Ministry of Education launched its national policy paper on curbing violence and promoting discipline in schools, which was considered in detail above.

### **13. Measures taken to:**

**(a) Ensure that children are not exposed to or involved in conflict-related violence**

88. Child-related laws in the State of Palestine guarantee the right of children to security and protection. Article 7 of the Child Act reads: “1. In all circumstances, children are to have priority in the enjoyment of protection, care and relief; 2. The State shall ensure that priority is given to preserving the life and rights of children in situations of emergency, catastrophe or armed conflict; 3. The State shall take the measures necessary to hold to account persons who commit war crimes or crimes against humanity to the detriment of the rights of children.” Article 46 of the same Act states: “1. It is forbidden to use children in military operations or armed conflict and the State shall take the measures necessary to that end; 2. The State shall take the steps necessary to ensure the physical and mental rehabilitation and the social reintegration of children who are victims of armed conflicts or of the difficult situations envisaged in article 44 of the present Act.” A draft list of protection measures includes details about the protection of children in situations of catastrophe, emergency or armed conflict.

**(b) Address cases relating to the participation of children in hostilities**

89. There are no cases in the State of Palestine in which children are alleged to have participated in hostilities. National laws and legislation provide complete protection for children and forbid their use or exploitation in hostilities. The Palestinian Child Act No. 7 of 2004, as amended, prohibits the use or exploitation of children in any unlawful activities and reaffirms the right of children to life and security. For its part, the Palestinian Security Forces Military Service Act No. 8 of 2005 plainly states that recruitment to all Palestinian security agencies – the police, the National Security Forces, the Preventive Security Force, the intelligence services and civil defence – must take place according to the provisions enshrined in law, which include the condition that candidates must not be under the age of 18. The Act abrogated a series of previous laws, which used to regulate the security sector and had allowed recruitment under that age, including the Military and National Service Act No. 4 of 1965.

**(c) Combat the use and exploitation of children for political purposes**

90. There is a national consensus against the exploitation of children in any circumstances and, in fact, children are not exploited for political purposes in the State of Palestine. The accession by Palestine to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict is itself a preventive measure and underpins the national policy to protect children against exploitation in all forms, including exploitation for political purposes. In that regard, the Israeli occupation must be considered to be the chief instigator against the Palestinian people and their rights, particularly in its exploitation and coercion of Palestinian children who are detained then used to work as informers. This raises the issue of the international community's responsibility to provide legal protection to children and to hold liable those who violate their rights.

91. When the Israeli forces of occupation arrest a Palestinian child, the State of Palestine informs the Commission for Detainees and Former Detainees, the Ministry of Social Development and the competent civil society institutions so that they can provide the necessary support and legal aid to the youngster. When the child is released, a meeting on the case is held under the leadership of the child protection counsellor/child protection network and a rehabilitative plan of social, psychological, medical and educational intervention is drawn up. In addition, protection networks, material support and psychological and social care are made available to marginalized categories and victims of violence.

**14. Measures taken to:****(a) Implement the decree-law concerning juvenile justice of 2016****(i) Allocating separate facilities for children**

92. The following spaces have been created to improve the treatment of minors in conflict with the law, the investigation of cases in which they are involved and the protection of children who are at risk of delinquency: an interrogation room; a mediation room; a room assigned to the Office of the Public Prosecutor for Children for case files, archives, recordings and interviews; a room for the police youth squad; a room for the child protection counsellor; and a waiting room for children. What distinguishes these spaces is that they are independent; entry is restricted and the general public is not admitted.

93. The spaces are fitted with television cameras so that all proceedings in rooms where there are children are recorded on audio and video. This data is then stored on a CD or a memory stick to ensure that it is not cancelled or irretrievable. The system of the rooms is as follows:

(a) *Interrogation room:* Here, the child is accompanied by a member of the Office of the Public Prosecutor for Children, the child protection counsellor, a lawyer, the child's parents or guardian and the clerk. The room is equipped with a camera and all proceedings are recorded on audio and video;

(b) *Observation room:* This room, which is fitted with a screen and headphones, is used by persons who are permitted to witness what is happening in the interrogation room.



For example, in cases where a child is to be confronted with another person but a direct confrontation might prove problematic, one of the parties can be placed in the interrogation room and the other in the observation room.

94. Thirty-four members of the Office of the Public Prosecutor for Children have received specialized training in juvenile justice, and the internal structure of the Office includes specialists in interrogation, in mediation, in bringing cases before the juvenile courts and in the protection of children at risk of delinquency.

95. The Office of the Public Prosecutor for Children has created a hard-copy archive of cases involving juveniles or children. Between 2016 and 2017, the Office also developed urgent and confidential procedures for all stages of investigation and trial as well as a register of children at risk of delinquency.

96. In 2016, the Palestinian Prosecutor General issued judicial directives to members of the Office of the Public Prosecutor for Children regarding their obligation to accept cases involving juveniles or children only from the police youth squad. At the same time, the Prosecutor General also issued written directives to other agencies thereby unifying procedures for referral to the Office of the Public Prosecutor for Children.

97. At least one official is assigned to each branch of the Office of the Public Prosecutor for Children to follow up on cases involving juveniles and children in order to ensure full confidentiality and the protection of children's privacy.

98. The Office of the Public Prosecutor for Children provides the possibility of mediation, in accordance with the Convention on the Rights of the Child and article 23 of the decree-law regarding the protection of juveniles. The use of mediation in cases involving juveniles has yielded a number of results:

- A strategic framework for mediation by the Prosecutor General and, at the end of each year, an assessment of the mediation system;
- A unified and effective model for mediation for all the bodies involved;
- A system of online mediation for lesser offences and misdemeanours;
- The possibility of forestalling the need for the children to appear before the organs of criminal justice by a decision to archive the case on the part of the Prosecutor General;
- Successful implementation of measures by child protection counsellors to protect young people and reintegrate them into society;
- Reparation for victims;
- Mediation as an alternative to detention, criminal proceedings, trial and sentencing;
- Involvement of children in finding appropriate solutions to the conflict between themselves and the victim by means of mediation.

99. The Office of the Public Prosecutor for Children works to provide the guarantees envisaged in the decree-law regarding the protection of juveniles:

(a) *Best interests*: The Office of the Public Prosecutor for Children strives to guarantee the best interests of minors during the interrogation and investigation. It assigns a child protection counsellor to draft reports before and after the interrogation, and members of the Office of the Public Prosecutor for Children may not take any action to refer a case without a report from the child protection counsellor. All minor offences must be fully investigated before referral to the juvenile courts and measures must be taken to protect minors before their trial. All decisions taken are monitored by the head of the Office of the Public Prosecutor for Children who sends a monthly report in that regard to the Prosecutor General.

(b) *The right to make a call*: All decisions taken by the Office of the Public Prosecutor for Children envisage the child's right to contact his or her parents, and written directives in that regard are issued to the police youth squad. This includes arrest warrants; in fact, the right to make a call is plainly set forth in all warrants issued by the Office of the Public Prosecutor for Children.

(c) *Age of criminal responsibility*: Directives issued by the Palestinian Prosecutor General include provisions regarding the age of minors appearing before the Office of the

Public Prosecutor for Children for the first time. No minor may be interrogated nor may any measures be taken by the Office without having first obtained official documents certifying the date of the offence and the age of the child at the time it was committed.

(d) *Placement in hospital:* The Office of the Public Prosecutor for Children can place children in hospital if they fall ill during the investigation. Via the child protection counsellor, doctors are assigned to monitor the child's condition which, as per directives of the Prosecutor General, is a matter of priority and urgency. The purpose is to protect the child from any risks associated with their age and to safeguard their privacy during the investigation.

(e) *Prohibition of cruel treatment:* The Prosecutor General requires members of the Office of the Public Prosecutor for Children to interrogate minors in a manner consistent with their best interests. To that end, the Prosecutor General has set certain standards for initial interviews with minors regarding the seating arrangements, the manner of speaking and the involvement of the minors, who can express their views and act as partners in the investigative process.

(f) *Prompt examination:* In order to expedite the closure of cases involving adolescents, a computerized system is used from the date the case is registered and referred to the Office of the Public Prosecutor for Children. The head of the Office then examines the case without delay, taking due care to ensure that no harm arises from the swift conduct of investigative procedures.

(g) *Confidentiality:* Hard-copy and electronic archives relating to cases involving children or adolescents remain confidential and no one outside the Office of the Public Prosecutor for Children may examine, copy or access the information they contain. Cases are considered in specific locations inside each branch of the Office of the Public Prosecutor for Children to which only members and officials of the Office are admitted. At the same time, the adolescents and their lawyers can examine the information by means of mechanisms placed at their disposal inside each branch of the Office.

(h) *Legal representation of the minor:* Minors are represented by lawyers who are delegated for that purpose. If the minors are unable to procure a lawyer for themselves, it is incumbent upon the Office of the Public Prosecutor for Children to provide them with free legal aid, either at State expense or via civil society institutions. Directives from the Prosecutor General make it plain that no minor may be interrogated without the presence of a lawyer.

(i) *Prohibition on identifying the minor:* The Palestinian Prosecutor General has issued directives stating that no reference may be made to any mark, distinguishing feature, epithet, number or anything related to the physical constitution of adolescents; none of that information may be recorded during the interrogation or any other stage of the investigation. Nor may sentences be registered in the criminal records. That information is to be used exclusively for statistical purposes and for the benefit of the reform and rehabilitation of adolescents.

(j) *Right to education:* In all measures they take, members of the Office of the Public Prosecutor for Children are required to ensure that juveniles have everything they require to continue their education. The Office of the Public Prosecutor for Children is responsible for ensuring the right to education in all places of detention, to which end it coordinates with the Ministry of Social Development, the Ministry of Education and the police youth squad.

(k) *Exemption from costs:* All proceedings involving children and adolescents before the Office of the Public Prosecutor are conducted free of charge. Proceedings are randomly scrutinized to prevent any violations whether by officials, clerks, lawyers and to rectify matters according to law.

(l) *Detention as a last resort:* The Palestinian Prosecutor General has set standards regarding the treatment of juveniles and whether or not their detention is necessary. Of these, the principal standard is that of assessing the best interests of the child and the risks they face. Furthermore, investigative procedures require adolescents to be held in special places of detention while, according to the directives, non-detention is to be the rule and detention the exception. In all cases the place of detention should be a social care home, depending on possibility and availability, in coordination with the child protection counsellor. Children in

detention must be monitored and, during the course of their legal proceedings, they must not mix with adults or with convicted juveniles. In some cases, adolescents have been released due to a lack of appropriate facilities.

(m) *Medical and psychological examination*: Before any procedures related to the initial investigation are carried out, juveniles must undergo a medical and psychological examination, in coordination with the child protection counsellor and the police youth squad. A report is to be submitted to the Office of the Public Prosecutor for Children and attached to the case file, and appropriate action must be taken in the light thereof.

**(b) Ensure adequate legal services and education are provided to children detained by Israel**

100. A rehabilitation programme run by the Commission for Detainees and Former Detainees provides services that enable detainees and former detainees to reintegrate into society as effective and productive individuals who are able to exercise self-reliance and provide a dignified life for themselves and their families. The services are available to detainees and former detainees of both sexes and all ages, including children, who fulfil the necessary conditions. The Ministry of Education also provides teachers for children who have been placed under house arrest by the Israeli forces of occupation.

101. The Commission's education department runs a secondary-school programme for detainees inside prisons, with the approval of Palestinian Ministry of Education which also cooperates in the initiative. The programme is delivered in accordance with the conditions stipulated in an agreement signed with the Ministry. In the academic year 2018/19, a total of 318 detained children were enrolled in the secondary-school programme.

102. The Commission for Detainees and Former Detainees provides vocational training to former detainees who wish to acquire or improve skills in a particular trade. The courses, which cover a number of different areas, reflect the desires and inclinations of the released detainees, with a focus on new professions and skills that are in demand on the labour market. Financial coverage is provided for the initiative, which is run in cooperation with vocational training institutes. Two hundred and seventy freed detainees, including 3 children, joined the programme in 2019 and received training in various fields and specializations.

103. *Health services programme*: The programme provides health insurance to all detainees and their families, as well as to former detainees, enabling them to access the free health services provided by the Ministry of Health. They are able to undergo tests and receive the treatment they need as a first step on the road to rehabilitation and reintegration. The programme also covers child detainees for whom, in view of the fact that they do not have an identity card, health insurance is provided in the name of their parents.

104. *Psychological counselling service*: The purpose of this service is to help former detainees integrate into society and to resume their natural role in their families and communities. A diagnosis is conducted on the psychological state of the freed inmate to determine the after-effects of the detention, and steps are taken to help him or her overcome those effects and any related difficulties as an aid to adaptation and integration. The service is available to all former detainees, including children, 350 of whom benefited from it during the course of 2019.

**(c) Invest in prevention and post-detention measures**

105. The Ministry of Health has developed a health-care system for adolescents. The system envisages an initial examination for children in detention and the monitoring of their state of health during the period they remain in custody. It also covers preventive services, psychosocial support programmes and treatment. Furthermore, the Ministry of Health provides a psychological habilitation programme as well as health-care and medical services free of charge for all children being held in detention in Israeli prisons.

**(d) Train security forces**

106. Staff of the Department for the Protection of Families and Adolescents play a fundamental role in mechanisms for dealing with children, particularly children in conflict with the law. Female police officers with special child-related training are assigned to the Department's branch offices while the Department itself makes its staff take annual courses

on how to deal with children, especially children who have suffered sexual violence and children with disabilities. This includes training in video-interview techniques and work is currently under way to enable all the Department's branch offices to work via video.

## Part II

### 15. Brief update

#### (a) New bills or laws

107. In addition to bills regarding personal status, labour, protection from domestic violence and other matters, which were mentioned earlier in the present report and are still under review, a technical guide has been adopted for use by members of the Office of the Public Prosecutor for Children. The guide – a procedural and regulatory document drafted with funding from the Government of the United States of America – regulates the Office's activities and unifies the procedures it uses when dealing with children in conflict with the law. Mechanisms have also been developed for receiving, recording and conducting cases involving children, with a view to protecting the minors and maintaining their confidentiality.

108. A system of licensing for radio and television stations (No. 18 of 2018) was adopted in 2018. The new system underscores the need to ensure that all broadcasts directed at children or adolescents must be free from any images or words that could incite conflicts and violence or undermine the values of society.

#### (b) New institutions or institutional reforms

109. No new child-related institutions have been created, nor existing ones reformed, since the State of Palestine submitted its initial report under the Convention on the Rights of the Child.

#### (c) Policies, programmes and action plans

110. Policies and programmes for social development are part of the strategic plan for the protection of children 2018–2022 and of the national development strategy for intervention in early childhood 2017–2022. The protection system is currently being assessed with support from UNICEF and World Vision International in order to facilitate planning with a view to consolidating the system and focusing it on the role of child protection counsellors and protection networks. A number of workshops have been held to supplement the National Child Protection Guide with a subguide concerning children's right to education in schools located in Area C, Bedouin settlements, al-Aghwar and areas close to colonies and checkpoints.

111. Plans and strategies that regard the work of the Office of the Public Prosecutor for Children and are financed from the budget of the Office of the Public Prosecutor include the following:

- Developing operational mechanisms for the Office;
- Identifying operational requirements of the Office;
- Future plans of the Office;
- Identifying obstacles to the operations of the Office.

112. The Ministry of Culture has adopted a strategic plan for culture and heritage 2017–2022. During the course of 2018, the Palestinian Cultural Fund, which is financed by the Government of Norway, supported a number of cultural projects, including:

- The play *Oranges and Stones* by the company Ashtar for Theatre Productions and Training: US\$ 10,000;
- Performances of the play *Turnip* by Fada Ataya: US\$ 6,550;
- Support for the production of *Memoirs of Sylvie* by Ahmad Abu Saloom: US\$ 8,000;

- Screenings and training around the Films for Jerusalem initiative of the Filmlab association: US\$ 15,000;
- Support for the use of Arabic script in the Hebron-France Association of Cultural Exchanges: US\$ 5,000;
- Support for the use of animation by the Al-Muntada young scientists association: US\$ 19,000.

113. The Ministry of Culture participates in an annual children's film festival organized by the Haya Centre in cooperation with the Jordanian Royal Film Commission and contributes to children's film initiatives. Support from the budget of the Ministry of Culture was provided for the film *Area C*, which focuses on the right of children to live in a safe place, and as well as for the Palestine Cinema Days festival.

114. The Ministry of Information has launched a draft charter of conduct for the media when dealing with cases involving children. The launch took place at a workshop organized in cooperation with the child protection network and a number of partner institutions. The charter makes it clear that it is a criminal offence to transmit any pornographic material involving a person under the age of 18 or deliberately to send or publish via the Internet any pornographic act or act of sexual exploitation involving a person under the age of 18. In addition, the code states that the use of the Internet or other information technology to produce, prepare, store, handle, display, print, publish or disseminate activities or actions of a pornographic nature for the purposes of influencing persons under the age of 18 or persons with disabilities, is likewise an offence.

115. The professional media ethics enshrined in the charter are drawn from relevant domestic laws and regulations and from international treaties that uphold the best interests of the child. The charter dwells upon the importance of handling all questions that concern children with the highest degree of sensitivity and underscores the need to develop the skills of media professionals in that regard through research, training and interactive dialogue. The charter also undertakes to counter the negative use of media by children and to help develop their awareness so that they use the Internet and its interactive platforms in a positive way. The goal is to ensure that their thinking is not distorted or their future compromised through online extortion, videogame addiction or ideas that fuel violence, and to focus on optimum media usage as a way of stimulating children's creative energy.

116. The Ministry of Information – along with institutions that work with children such as the child protection network, Defence for Children International and others – has proposed a plan of action for issues involving children. The plan includes a series of workshops and media training courses intended for children and media professionals.

**(d) Ratifications**

117. On 29 December 2017, the State of Palestine acceded to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. On 18 March 2019, Palestine acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. On 10 April 2019, it acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

### **Part III**

#### **16. Budgets over the past three years**

118. The total budget of the Government of the State of Palestine in 2018 was 16,559,061,000 shekels while the budget allocated to the social sector was 7,321,684,382 shekels, which represents 44.22 per cent of the total budget of the Government of the State of Palestine. For its part, the budget of the Ministry of Social Development stood at 859,251,863 shekels, or 11.74 per cent of the social sector budget and 5.19 per cent of the total government budget. The budget allocated to social assistance is part of the budget of the

Ministry of Social Development; in fact, the amount allocated to cash assistance was 480,000,000 shekels in 2018, which represents 6.56 per cent of the social sector budget and 2.9 per cent of the total government budget.

119. The budget of the Ministry of Health was 2,087,818,000 shekels, or 28.52 per cent of the social sector budget and 12.61 per cent of the total government budget. The budget allocated for education in 2018 stood at 90,300,196 shekels, or 0.96 per cent of the total budget of the Government of the State of Palestine. In 2017, it had stood at 78,411,192 shekels.

120. The budget for leisure activities was divided between the Higher Council for Youth and Sports, with 108,553,907 shekels or 0.66 per cent of the total budget of the Palestinian Government, and summer camps, with 3,097,103 shekels of 0.02 per cent of the total budget of the Palestinian Government.

121. Children are among the categories who benefit from the various sectoral budgets in the State of Palestine, on an equal footing with other members of society; however, there is no specific budget for children's services.

## **21. Sustainable Development Goals**

122. The Ministry of Education has adopted various programmes and activities with a view to achieving the Sustainable Development Goals. These include the involvement of children in promoting a culture of non-violence, child-to-child approaches to encourage responsibility, student mediation to help heal conflicts between students, student parliaments in schools and the Children's Advisory Council. These programmes all underscore the need to involve children in decision-making and problem-solving, inside schools and within the wider educational process.

123. The Ministry of Social Development is also working to achieve the Sustainable Development Goals by guaranteeing a decent standard of living via a raft of social assistance measures for children of poor families. The State of Palestine is anxious to ensure universal education and to guarantee that all children have health insurance and free health-care services. It also seeks to involve children in matters affecting them by means of the Children's Advisory Council, student parliaments, protection networks and summer camps. Efforts are currently being made to establish a Palestinian children's parliament in order to ensure the widest possible involvement of children.

124. Via its strategic plan for culture and heritage 2017–2022, the Ministry of Culture has rolled out plans and programmes for children covering all areas of culture and heritage such as drawing, music, theatre, cinema and literature, in line with the national policy agenda.

125. Children were involved in the eleventh Palestinian International Book Fair 2018 where they organized seminars on children's literature, a meeting with girl prisoners and an open discussion in the presence of a child who had been subjected to house arrest by the forces of occupation. A number of leisure activities involving drawing, singing, stories and games were conducted by the Storytellers Committee, the Al-Bireh Association for children with disabilities and the Jasmine Charitable Society for persons with disabilities. Recreational and musical activities and popular storytelling have also taken place in summer camps, kindergartens and in marginalized areas.

## **22. Updating of data**

126. In the State of Palestine, children under the age of 18 number 2,226,077 – 1,139,311 males and 1,086,766 females. As of mid-2019, they accounted for 45 per cent of the overall population: specifically, 43 per cent in the West Bank and 48 per cent in the Gaza Strip.

127. In Palestine in 2018, 19.7 per cent of females who entered into marriage contracts were under the age of 18, while 0.8 per cent of males who entered into marriage contracts were under the age of 18.

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### **23. Areas for the implementation of the Convention**

- (a) Establishing a national child database in Palestine;
- (b) Establishing a Palestinian children's parliament and restructuring and reactivating the National Council for Children;
- (c) Setting up a governmental child helpline;
- (d) Developing a national media strategy for the protection of children;
- (e) Achieving the Sustainable Development Goals by 2030 so as to promote the rights of children as enshrined in the Palestinian Child Act and the Convention on the Rights of the Child;
- (f) Developing a national preventive strategy for children in Palestine to stop violence, neglect and ill-treatment against children in all areas;
- (g) Develop rules and standards to govern mediation and providing training thereon, in order to reduce the number of cases coming before the courts and promote restorative justice.

It should be pointed out that statistics in regard of Part III have been included as an annex to the reply to the list of issues.

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