



Convention on the Rights of the Child

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Summary record of the 2444th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 28 January 2020, at 3 p.m.

Chair: Mr. Pedernera Reyna

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties (*continued*)

Initial report of the State of Palestine (CRC/C/PSE/1; CRC/C/PSE/Q/1 and CRC/C/PSE/RQ/1)

1. *At the invitation of the Chair, the delegation of the State of Palestine took places at the Committee table.*
2. **Mr. Majdalani** (State of Palestine), introducing his country's report (CRC/C/PSE/1), said that in 2004, before it had ratified the Convention, the State of Palestine had adopted the Palestinian Children's Act, which it had amended in 2012. Since late 2018, when the report – drafted in consultation with children and civil society – had been submitted to the Committee, there had been a number of developments touching on the rights of the child. In early 2020, for example, the President of the State of Palestine had been empowered to take the measures necessary to publish the text of the Convention in the Official Gazette. Regulations and guidelines regarding the application of the amended Children's Act had been developed, as had decree-laws on the protection of minors and education. In addition, support, often in the form of training, had been provided to the harmonization committee responsible for ensuring that the laws of the State of Palestine were brought into line with the international human rights instruments to which it was a party.
3. The Labour Code had been amended to help tackle the issue of child labour, in family-owned businesses in particular. The Government had recommended raising the minimum age for employment to 16, which was also the minimum school-leaving age. Plans had been made to set up a working group to review the draft Criminal Code with a view to providing for harsher penalties for crimes against children, those with disabilities in particular. The drafting of legislation on the rights of persons with disabilities and on the protection of the family from violence had recently been completed. Work on a bill on trafficking in persons was ongoing.
4. The National Council for Children was empowered to develop policies and programmes concerning children's affairs. A draft law on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict had been drawn up, and preparations for accession to other optional protocols were under way.
5. The necessary resources were allocated to the children's services sector. Resource persons, for example, had been made available to educators who worked with children with disabilities, and hundreds of classrooms had been equipped to receive such children. Some 270 government kindergartens had been established, providing services free of charge. Traffic signs warning motorists to drive carefully had been installed in the vicinity of 65 per cent of the country's schools. More than half of the schools had infirmaries. A complaints mechanism was operated by the Office of the Public Prosecutor, and an inter-institutional memorandum of understanding had facilitated the establishment of a complaints system in schools.
6. Ongoing work on an electronic mediation system would ultimately make it possible to opt for alternatives to detention for minors in conflict with the law. The Ministry of Social Development and the police had entered into an agreement to ensure that such minors were not handcuffed. All persons who attempted to prevent their children from exercising their right to education were investigated, and records were kept of children who were found begging in order to refer them to the Ministry. The child protection authorities, in concert with labour inspectors, visited workplaces to investigate suspected cases of illegal child labour.
7. In cooperation with the United Nations Children's Fund (UNICEF) and various universities, a system for the early detection of disabilities had been set up. A multifaceted approach to combating poverty was being taken, with a view to providing comprehensive support and services to those in need, including children. Following a review of residential facilities for orphaned children, recommendations had been issued that took account of the principle of the best interests of the child. Developments in the area of health had included the launch of programmes on sexual and reproductive rights, disability prevention programmes and initiatives concerning drug use. All children under the age of 6 received free

health care and approximately 80 per cent of all children had public or private health insurance.

8. A committee of judges had been set up to review proposed legislation on personal status, and the minimum age for marriage had been set at 18. An exception to that minimum age, always made in the best interests of the child, could be granted by the Bureau of the Chief Qadi. Divorced mothers who had been awarded custody of their children were newly entitled to child support. Legal aid was provided to the hundreds of children and adolescents who were detained by the Israeli authorities.

9. According to figures from the Palestinian Central Bureau of Statistics, children made up nearly 45 per cent of the population of the State of Palestine. The figures also showed that rates of child marriage were falling swiftly and that child labour was a relatively rare phenomenon. In 2019, 745 Palestinian children had been detained by the Israeli authorities, and 200 of them remained in Israeli prisons. Three thousand children had been killed by Israeli forces since 2000, 57 of them in 2019, including 5 under the age of 12.

10. The Israeli stranglehold on the Palestinian economy had had a negative impact on Palestinian institutions of all kinds and on the provision of health care, education and social services. Rights violations committed by the Israeli occupiers were commonplace. The Committee was encouraged not to discount Israeli responsibility for the violence, displacement and deprivation of liberty that were the everyday lot of the children of the State of Palestine. Despite the many challenges faced, the Government would work tirelessly to ensure justice and a life of dignity free from violence for the children of the State of Palestine. Palestinian children should not be compelled by the effects of the conflict playing out in much of their country to stop being children.

11. **Ms. Ayoubi Idrissi** (Coordinator, Country Task Force), welcoming the ratification by the State party of numerous international human rights instruments, said that, although the Committee was aware of the serious problems posed by the occupation of the State party and the fragmentation of its territory, the aim of the interactive dialogue was to help the State party fulfil its obligations under the Convention with the means that the State party had at its disposal.

12. Although a decision had evidently been made to publish the text of the Convention in the Official Gazette, thereby ensuring that it was law in the State party, she nonetheless wished to know where the Convention fell in the State party's hierarchy of laws, in particular in view of a ruling by the Supreme Constitutional Court that the precedence of international instruments depended on their compatibility with the cultural and religious identity of the Palestinian people. She also wished to know what progress had been made by the committee that had been set up to help ensure that laws concerning children's rights were brought into line with the Convention and what aspects of those laws posed problems or required broad-based national consultations. In addition, she wished to know why the committee set up to review proposed legislation on personal status was made up of judges alone. She would welcome information on the plans that had been made to adopt implementing decrees for newly enacted laws, including those on protection of the family from violence and the rights of persons with disabilities.

13. She wondered whether the combination of the Strategic Plan for the Protection of Children 2018–2022 and an array of individual sectoral strategies would not obscure a more comprehensive view of the rights of the child. In the same connection, she wished to know what steps would be taken to ensure that activities carried out under the Plan and the sectoral strategies did not overlap and what mechanism had been put in place to coordinate those activities. She also wondered what mechanism was in place to coordinate the efforts made by the National Council for Children and the Ministry of Social Development.

14. She would welcome information on the progress that had been made towards improving the collection of data, broken down into as many relevant categories as possible, on all children in the State party with a view to informing public policy. She would also welcome a comment from the delegation on the measures that had been taken by the State party to enhance the transparency with which public funds were spent, including by involving children in budgeting processes, and to ensure that public investment in activities for the protection and promotion of children's rights was directed more effectively.

15. She would like to know what would be done to ensure wide dissemination of the Convention and its Optional Protocols, including through cross-disciplinary inclusion in school curricula.

16. She wondered whether reports that the helpline of the Independent Commission for Human Rights was no longer operational were accurate. She would appreciate information about the measures taken to guarantee the effective operation of the Commission, the outcome of the complaints it received and its role and impact in the protection and promotion of children's rights. She wished to know whether all children were informed about the existence of the Commission and other public complaints mechanisms, including children living in institutions and those who did not attend school, whether accessibility and confidentiality were ensured and whether the necessary measures were taken to protect children from reprisals if they filed complaints.

17. She would be interested to hear about measures taken or being contemplated to guarantee civil society involvement in the implementation of the Convention and to support relevant non-governmental organizations (NGOs) while respecting their freedom of action.

18. The Committee welcomed the news that a single minimum marriage age of 18 years would be introduced, putting an end to the situation whereby different ages were specified in different laws and the sharia courts could authorize the marriage of girls as young as 9 years old. She would like to know when the new marriage age would come into effect and whether the law which provided that children could begin work below the minimum school-leaving age had already been amended. She hoped that the steps taken towards non-discrimination by equalizing the marriage age and allowing girls as well as boys to choose their custodial parent would be followed by an end to the system whereby guardians had the power to make decisions regarding the marriage of girls but not of boys. In light of reports that decisions were often taken based on the age and gender of a child and not on his or her best interests, she would like to know what efforts had been made to promote consideration of the best interests of the child as a principle, a right and a method.

19. She wished to know what concrete measures had been taken to address the high level of infant and child mortality and child deaths due to the actions of occupying forces and settlers, the use of children by non-State armed groups and the encouragement of children to participate in demonstrations and what had been done to tackle poverty, malnutrition, a lack of access to drinking water and inadequate care during pregnancy and childbirth.

20. She would be interested to know what criteria were used to select the members of student parliaments and whether children in difficult circumstances and children with disabilities were represented. It would be helpful to know about any plans to introduce a mechanism for the systematic collection of children's views.

21. **Mr. Mezmur** (Country Task Force) said that he would like to know the amount of the fee applicable for birth registration after the 10-day deadline. He wondered whether the fee might hinder access to birth registration, what efforts had been made to raise awareness of the 10-day rule and whether a campaign to clear the backlog of unregistered children had been conducted. He would like to know whether any measures had been taken to address the delays in obtaining a birth certificate reportedly faced by children of parents living outside the State of Palestine. He would appreciate an explanation of how the Ministry of Social Development attributed names to children born to unmarried parents and whether the practice was considered compatible with the requirements of the Convention. He would like to know what measures had been taken to address delayed family reunification for children of parents without identification documents. He wondered whether the government manual on procedures applicable to children of unknown parentage included guidance on determining the nationality of such children. He would be interested to learn how the nationality of children born to parents without Palestinian identity cards was determined and whether there was a risk that they might become stateless.

22. It would be helpful to know the nature of the restrictions on freedom of expression, association and peaceful assembly set out in the amended decree-law on cybercrime. He would appreciate clarification on whether the founders of an association were required by law to be at least 18 years of age and whether that provision was considered compatible with the Convention. In view of reports that the names of children who had been killed had been published in the media without consent, he would like to know what mechanism regulated the publication of information about children and what role the Press Council had in

upholding children's right to privacy. He would be interested to hear about examples of children appealing to the courts against their parents' refusal to let them change religion, as provided for by law, and how the process worked. He wished to know the extent to which regulations on the right to freedom of religion ensured respect for religions other than Islam.

23. **Mr. Gudbrandsson** (Country Task Force) said that the ongoing Israeli occupation of the territory of the State party constituted a serious obstacle to fulfilment of the right to a non-violent childhood, resulting in grave violations such as excessive use of force by security forces, restrictions on freedom of movement, arbitrary detention and ill-treatment. He would like to hear the delegation's response to arguments that the Government incited children to engage in hostilities against Israeli forces and to know whether all reasonable measures had been taken to protect children from participation in the conflict. He would appreciate comments on reports that the violent environment created by the occupation often resulted in high levels of violence in home, school and community settings. Given the particular importance for children living in conflict situations of strong, caring families, it would be useful to hear about any measures taken to provide enhanced support for vulnerable families and raise awareness among parents about the need for non-violent child-rearing, including the promotion of positive parenting skills.

24. He would be interested to hear about work to improve the availability of statistics on child sexual abuse. He wished to know whether steps were being taken to confront denial in society of the existence of such abuse, for example through awareness-raising campaigns. It would be helpful to hear about plans to overhaul the child protection system and to establish effective child-friendly facilities based on multidisciplinary principles. He wondered whether any multisectoral procedures for responding to child sexual abuse were already in place, whether professionals were available to conduct forensic interviews and medical evaluations and whether victims and their families received psychological support. He would like to know whether there were plans to increase the low number of child protection officers.

25. He would like to hear about measures targeting women who had been deprived of an education before the marriage age had been raised to 18 years. He wished to know whether the Government had considered measures to prevent the sharia courts from approving the marriage of girls to much older men on financial grounds, which contravened both the Palestinian Children's Act and the Convention.

26. **Mr. Rodríguez Reyes** (Country Task Force) said that the legal protection of children from violence was not interpreted as a prohibition on all types of corporal punishment, which remained legal under the Criminal Code in force in the West Bank and was not expressly prohibited in the Education Act. He wished to know whether the Government intended to adopt legislation ensuring an explicit prohibition in all settings and to hear of any plans for training in positive parenting and awareness-raising campaigns against corporal punishment.

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

27. **Mr. Majdalani** (State of Palestine) said that the Constitutional Court ruling on the status of treaties was limited to the Convention on the Elimination of All Forms of Discrimination against Women, under which particular issues had arisen with regard to the religious and cultural values of Palestinian society. Compatibility of legislation with international obligations was consistently ensured, in line with the principle that international law prevailed over national law, with the exception of the Declaration of Independence and the Basic Law. The bills on persons with disabilities and on the protection of the family would shortly be submitted to the Council of Ministers for discussion, following which they would be promulgated by the President as decree-laws. The various sectoral strategies had been drafted based on the overall Strategic Plan for the Protection of Children and therefore complemented rather than contradicted it.

28. All Palestinian parties and factions had signed a widely observed code of conduct that prohibited the involvement of children in demonstrations. Marriage for girls of 9 years of age was unheard of in the State of Palestine. Pursuant to a decree-law issued several months previously, the minimum age of marriage was now 18 years for both sexes. Exceptions could be made only to ensure child protection, for example to prevent children being born out wedlock or for mental health reasons. With respect to early marriage, allowing the marriage of young girls to wealthy older men would be contrary to Palestinian values and morals.

29. The Government attached great importance to its relationship with civil society organizations, which it considered strategic partners. The law governing the establishment of civil society organizations did not impinge on their freedoms and included no age restrictions, which meant that such organizations could be formed by children. The law on cybercrime had led to no violations of individual liberties, including the rights to freedom of association and of expression.

30. No incitement was necessary for children to engage in acts of violence against the occupation; the day-to-day practices of the occupying forces witnessed by the children were sufficient provocation.

31. **Mr. Abu El Aish** (State of Palestine), recalling the death of three of his daughters and a niece in January 2009 when his house had been shelled by an Israeli tank during Operation Cast Lead, and the deaths of hundreds of Palestinian children at the hands of Israeli forces since then, said that efforts to secure peace and an end to the violence must be intensified. He called on the Committee to help ensure that effective human rights oversight mechanisms were in place to protect the rights of children in the State of Palestine. Having been unable to obtain justice for his daughters and niece through the Israeli courts, he urged the Committee to ensure that the roles of perpetrator, investigator and judge could not be played by a single party.

32. **Mr. Abu Al Homos** (State of Palestine) said that children were detained in small cells in occupation prisons for periods of up to 11 years. During investigations, children were assisted neither by an attorney nor a parent. The State party would continue its efforts to provide assistance to children in such situations. It was carrying out work in military courts and documenting all violations committed in occupation prisons against Palestinian children. Many children were transferred between prisons under very harsh conditions. They were put in windowless cells without the basic requirements for survival. They were separated from Palestinian adults who could take care of them. After their release, the Government tried to facilitate their reintegration into society and provided them with psychological care.

33. **Mr. Majdalani** (State of Palestine) said that the decreases in the budget and funding from domestic and foreign sources, as well as the retention by Israel of Palestinian tax receipts, had contributed to the increase in poverty over the preceding three years. According to some sources, 29 per cent of the population lived below the poverty line; that rate had been determined on the basis of household income levels and did not take into account the services provided free of charge in the areas of education, health care, social assistance and housing. Poverty was mainly concentrated in the Gaza Strip, where the illegal and unjust blockade imposed by the Israeli occupation authorities since 2006 had led to a poverty rate of around 79 per cent as well as decreased productivity, growth and employment.

34. The Government allocated 49 per cent of its budget to Gaza, even though that area only contributed 7 per cent of total government revenue. The Government financed 100 per cent of health-care services for citizens in Gaza, including medical treatments abroad, and education up to university level. The Ministry of Social Development provided assistance to 100,000 families, of which 40,000 were headed by a woman. The Ministry provided direct cash assistance and food vouchers for 375,000 children.

35. **Mr. Khalil** (State of Palestine) said that complaints regarding violations could be filed by any child, a civil society organization, a family member or any person aware of the violation. The juvenile prosecution service was the competent authority for handling such complaints. A guide setting out the procedures for filing complaints and the steps involved in prosecuting cases had been produced in consultation with civil society organizations and children. The 26 complaints made in 2019 had been handled in accordance with the guide. Some of the complaints had proven to be fraudulent; measures had been taken against the perpetrators involved in the verified complaints. The guide had been disseminated to 16,000 students and published on social media. Complaints could be filed confidentially via a website. When complaints were received, the juvenile prosecution service contacted the children involved and communicated with them directly and confidentially in a manner appropriate for their age and level of maturity.

36. **Mr. Khamis** (State of Palestine) said that a new complaint hotline had been set up. Counsellors taking calls from children intervened quickly and coordinated with the police where necessary. Complaints were recorded, child victims interviewed, and initial reports drafted. The police and public prosecution service worked together to determine how serious

cases were and to ensure that necessary and appropriate measures were taken. Special temporary measures to protect children included placement in a foster family or in a care institution or protection centre. Complaints could also be made through complaint boxes in care institutions. Such complaints were examined and dealt with confidentially by child protection counsellors. Regular contact was maintained with the families of child victims of abuse. Counselling and awareness-raising programmes on children's rights had been run in schools, through the National Council for Children and various other bodies.

37. **Ms. Ayyad** (State of Palestine) said that, in rural areas, complaints could be filed with the police 24 hours a day via a hotline. Plain-clothes officers would visit the site of the incident and prepare a report before referring the case to the competent authorities. The Department for the Protection of the Child and the Family distributed brochures and held awareness-raising activities with different groups to ensure that they knew how to communicate with the competent authorities and file complaints. Its awareness-raising campaigns in 2019 had reached around 6,800 schoolchildren and their parents. Confidentiality was ensured at all stages of a case; communications with children who filed complaints were handled by highly trained male and female police officers. In 2019, the police had received 2,558 complaints.

38. **Mr. Zaid** (State of Palestine) said that the issue of school violence could not be disassociated from the wider social context dictated by the Israeli occupation. Efforts were being made to raise awareness of the issue in school curricula and through the work of over 2,000 counsellors, and disciplinary committees had been established to deal with cases of teacher-student and student-on-student violence. Several programmes had also been drawn up to instil a culture of non-violence among students and to educate them on human rights. In 2019, student parliaments had been established in order to involve children in decision-making and problem-solving. All students were entitled to stand for parliament, without discrimination.

39. **Ms. Abu Ali** (State of Palestine) said that the committee set up to review proposed legislation on personal status included members who were not judges. The Government favoured an application of sharia law that took into account the best interests of the child. Victims of child abuse received psychological rehabilitation and support in reintegrating into their family or going to live with a foster family. Family counsellors who identified cases of abuse advised judges on appropriate measures to be taken in response. Pursuant to personal status laws, sharia courts were able to supervise the implementation of rulings issued in civil cases.

40. **Mr. Gudbrandsson** said that the State party should develop a comprehensive family policy and plan of action, and that he would appreciate information on any steps already taken to that end. Palestinian family law, which was understandably fragmented, was not always consistent with international child rights norms. For example, personal status laws did not require that children's opinions or preferences should be taken into consideration in custody arrangements. He wished to know whether the State party was aware of such discrepancies and whether it planned to revise its legislation accordingly.

41. He was concerned by reports that decisions to remove children from their families were not necessarily subject to judicial review. If the reports were true, the delegation might explain what was being done to rectify the situation. In that connection, he would be grateful for disaggregated statistics on the numbers of children in foster or alternative care.

42. According to information at the Committee's disposal, there were only three government-run social care homes for children in the State party. In the homes, which were reportedly underfunded and in poor condition, no distinction was drawn between different categories of children, such as children with and without disabilities. He would welcome the delegation's thoughts in that regard, details of how the homes were monitored to ensure responsibility and accountability, and an explanation of the measures being taken to prevent children with different needs and of different ages from being housed in the same facilities.

43. He wished to know how many children under 2 years of age were being detained with their mothers, and whether the Government would consider alternatives to detention for mothers on the basis of the principle of the best interests of the child. The Committee was concerned that the decree-law on juvenile justice was not applied in the Gaza Strip and would be interested to know whether a strategy was being formulated to prevent children from being held with adults in temporary detention centres, most of which were overcrowded and

unsuitable for children, and whether the State party was willing to establish clear criteria for assessing the best interests of the child in all procedures, including those related to child custody.

44. He wished to know whether the Government would consider raising the age of criminal responsibility to at least 14 years, in line with international standards, and whether it would revive plans to create a national anti-trafficking committee and to devise an action plan to combat the sexual exploitation of children.

45. **Mr. Rodríguez Reyes** said that he wished to know when the State party would adopt the draft decree-law on the rights of persons with disabilities, update the 2012 national disability strategy, implement the 2014 national inclusive education strategy, introduce the disability card system, create an integrated database on persons with disabilities, provide training in dealing with disability to relevant staff, launch campaigns to raise awareness of disability and combat stigmatization and discrimination, and develop an efficient system to diagnose disabilities and ensure that children with disabilities had access to appropriate health care and to medical rehabilitation services. He would also welcome details of any measures taken or planned to ensure that women and girls with disabilities were not subjected to forced procedures related to their reproductive and sexual health.

46. Child and infant mortality rates remained worryingly high, particularly in the Gaza Strip. With that in mind, he wished to know what steps were being taken to improve pregnancy, childbirth, post-partum and newborn care, promote the early detection of disabilities, ensure adequate funding for health services, reduce inequalities in access to those services, boost the availability of disposable and other medical products, and increase the number of health professionals, particularly those specialized in non-communicable diseases. An explanation of whether the State party would consider decriminalizing abortion in all circumstances and guaranteeing access to safe abortion and post-abortion care would also be appreciated.

47. The delegation might comment on reports that the use of contraceptives among adolescents was not high, possibly owing to the stigma attached to it, and that sex education classes in schools had an overly biological focus, with the emotional, physical and psychological aspects of sex often neglected, and provided scant information on sexually transmitted infections and family planning.

48. He would be interested to know what comprehensive policies and strategies were in place for the promotion of mental health and the early identification and treatment of mental health conditions, whether persons suffering from such conditions were borne in mind in the formulation of health strategies and programmes, what was being done to prevent child and adolescent suicide, whether steps were being taken to minimize recourse to institutionalization and medicalization, and whether funds had been or would be invested in primary health care to meet children's mental health needs.

49. **Mr. Mezmur**, noting that, according to paragraph 346 of the State party's report (CRC/C/PSE/1), less than 1 per cent of children enrolled in kindergarten attended on a non-fee-paying basis, said that he would be interested to know what efforts were being undertaken to allow all children to receive at least one year of free pre-primary education, as provided for by domestic law, whether the comprehensive surveys of kindergartens mentioned in paragraph 349 of the report had been carried out, and what was done to guarantee that primary education was genuinely free and compulsory.

50. As it was stated in paragraph 343 of the report that water and sewage systems had been destroyed as a result of the Israeli blockade of the Gaza Strip, he wished to know whether certain schools were operational without toilets, and, if so, what steps were being taken to minimize the impact on attendance, especially among girls. Regarding paragraph 344 of the report, he would be grateful to know which subjects were taught from a religious perspective in sharia schools. Up-to-date net enrolment rates for primary education, and an explanation of why the net enrolment rate for secondary education was significantly higher among girls than boys, would also be welcome.

51. He wished to know the extent to which efforts to reduce school dropout rates had proved successful, particularly with regard to children from marginalized communities, and what measures were taken to ensure that the rule according to which children absent from

school for 30 days or more had to repeat a class did not have a disproportionate impact on the repetition rate.

52. Lastly, he would be glad of an update on the development of the comprehensive national policy on inclusive education referred to in paragraph 367 of the report, and of a description of efforts to address the challenges faced by asylum seekers and refugees, including overcrowding, poor living conditions, and the discontinuation of cash payments that they had been receiving from United Nations relief agencies.

The meeting rose at 6 p.m.