

# Advance Unedited Version

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### Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

## Situation of human rights in the Palestinian territories occupied since 1967\*\*

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Francesca Albanese, in accordance with Human Rights Council resolution 5/1.

### Report of the Special Rapporteur on the situation of Human Rights in the Palestinian territories occupied since 1967, Francesca Albanese

#### Summary

Children comprise half of the Palestinian population under Israel's 56-year-old settler-colonial occupation. As a party to the Convention on the Rights of the Child and the Occupying Power in the occupied Palestinian territory, Israel is obliged to prioritise the best interests of all children under its jurisdiction. Yet, Israel subjects Palestinian children to severe physical and psychological trauma, burdening them with fears and challenges that no child should bear. The absence of accountability for Israel's actions has emboldened its disregard for international obligations.

Israel's occupation, designed to illegally annex occupied land, stifles Palestinians' civil, political, economic, social and cultural rights. Land confiscation, resource expropriation, and confinement contribute to Palestinian de-development, impacting the development of children. Every year Israeli forces kill, maim, orphan and detain hundreds of children of all ages. The resulting trauma is often unaddressed. This coercive environment critically violates the right to life of Palestinian children, preventing them from exercising the right of every child to grow up in safety and dignity. This experience has been characterised as 'unchildling', meaning depriving children of the normalcy, lightness and innocence of childhood.

For Palestinian children, life under occupation is a daily struggle; from witnessing the heartbreak of their parents watching their confiscated land being cultivated by settlers, to their grandparents longing to reunite with their land and homes behind walls; from unfinished homes self-demolished, leaving only a mortgage to pay; to their schools perpetually at risk

\* A/78/150.

\*\* The present report was submitted after the deadline in order to reflect the most recent information.

of destruction. The deliberate violations of Palestinian children's rights call for urgent investigation, deployment of protective measures and a durable political solution that addresses the root causes. This aligns with the broader goal of realising the Palestinian people's right to self-determination and safety and security for everyone in the region.

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## I. Introduction

1. In her 2023 report to the Human Rights Council, the Special Rapporteur exposed how Israel has turned the occupied Palestinian territory (oPt) into an open-air prison, where Palestinians are constantly confined, subjected to surveillance and punished.<sup>1</sup> This has aided Israel's illegal dispossessing Palestinians of their lands and furthered their forced displacement.<sup>2</sup> Children make up almost half of the Palestinian population in this coercive environment,<sup>3</sup> while 30 percent of the population under occupation is under the age of 15.
2. This report focuses on the rights of Palestinian children and the meaning of life under Israel's 'forever occupation.'<sup>4</sup> Despite the legal framework applicable to them, Palestinian children are simultaneously hypervisible in terms of the violence they experience and invisible in terms of their suffering. While Palestinian authorities in the West Bank and Gaza Strip are also responsible for violating children's rights,<sup>5</sup> this report examines the overarching impact of the Israeli occupation on children, in line with the Special Rapporteur's mandate.
3. All children must be able to enjoy their childhood in a healthy, safe and nurturing environment, where human rights are both valued and safeguarded, regardless of identity, race, religion or background. That is the foundational premise of this report.
4. This report does not include reference to the crimes that have taken place since 7 October, as they unfolded while the report was being finalised. The Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel is conducting an investigation and the Special Rapporteur will also dedicate further analysis to this umpteenth tragic turn in the history of the longest occupation in history.

## II. Methodology

5. This report has been written without the benefit of a field visit as Israel failed to facilitate the Special Rapporteur's access to the oPt. It is based on extensive desk review, submissions, virtual tours, and online meetings with Palestinian, Israeli and international stakeholders. The research relied on the advice of psycho-social experts with specialised knowledge of children's mental health.
6. The Convention on the Rights of the Child (CRC or 'the Convention') is foundational to this report, guiding the research from the formulation of interview questions to the benchmark for evaluation of local policies and practices. In line with the best interest of the child and the 'do no harm' principle, the Special Rapporteur relied on existing recent children's testimonies to the fullest extent possible. Her own interviews with children spanning various age groups and their families enhanced her overall understanding. Profound gratitude is expressed to all children and adults who shared their testimonies, as well as the organisations who helped hold the meetings. Throughout the report, names were changed to safeguard the children's privacy. Quotation marks indicate interviewees' words reported verbatim.
7. The Special Rapporteur witnessed the harrowing trauma that Palestinian children face and carry with them; visible on their bodies, speech and movement. While the children's assertiveness in advocating for their rights was remarkable, the Special Rapporteur noted that their preoccupations were atypical for their age, placing them with adult-like responsibilities conflicting with carefree childhood. Some children feel that "the world ignores them". Others used the expression: "if only they knew", referring to countries they view as powerful. They urged the Special Rapporteur to convey their pleas to the world.

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<sup>1</sup> A/HRC/53/59 (2023), para 4.

<sup>2</sup> *Ibid.*, paras 79-93.

<sup>3</sup> [Palestinian Central Bureau of Statistics](#), updated 5 April 2023. This data only refers to the Palestinian children population in the West Bank and the Gaza Strip.

<sup>4</sup> A/HRC/47/57 (2021), para 74.

<sup>5</sup> CRC/C/PSE/CO/1, para 24.

### III. Setting the Context: Children under settler-colonial military occupation

8. Since 1967, the Israeli military occupation has violated international law, whether by disregarding or distorting it, to justify its unlawful practices. By treating the occupied territory as “disputed” rather than “occupied,” Israel has granted itself latitude to violate its obligations toward the occupied people,<sup>6</sup> including children. With their status as protected persons deliberately denied, Palestinian children have been made vulnerable without redress.<sup>7</sup>

9. To advance the illegal colonisation of the occupied territory, Israel has been subjecting the occupied population to a combination of daily deprivations, restrictions and modular levels of violence. The establishment of over 300 illegal colonies in the occupied territory has meant denial of Palestinians’ rights to land, livelihood, denial of the right to adequate housing and health, and restrictions on education and employment. Treated as a collective threat, Palestinians are stripped of their individual and collective rights, denying children the ability to thrive.

10. While consolidating its presence in the oPt, Israel has deployed variable uses of force against the population under occupation, obfuscating the legal distinction between law enforcement operations and the conduct of hostilities.<sup>8</sup> In addition to the macro-violence of state-engineered lethal force and collective punishment against Palestinians, Palestinians also endure persistent acts of micro-violence, including military raids and settler violence, destruction and pillage of property and resources, humiliation, arrest and detention regardless of their age.<sup>9</sup>

11. Palestinian children live in segregated spaces and hostility-stricken communities. Their families’ livelihood, access to employment, healthcare, opportunities for leisure, future prospects and mobility are all controlled by Israel.<sup>10</sup> Palestinian children are aware of the challenges they face “as Palestinians.” Feeling alienated in their own land, children ask questions: “Why is it so? Are we less human?” or “Are we less worthy?”

12. Israel’s settler colonial enterprise also impacts Jewish Israeli children. They are affected by the decisions of their State or, for those living in the colonies, their families’ choice and ideologies. Some have tragically lost their lives and others typically grow up in an environment saturated with fear, hostility and racism toward Palestinians.<sup>11</sup> The prevailing atmosphere may contribute to the structural violence directed at Palestinians. In the words of a former Israeli soldier: “I don’t remember children. When you are in your uniform, it’s us and them.”<sup>12</sup>

13. It is well documented that from a young age Israeli children are taught narratives that frame Palestinians as threats, falsely tying them to the Holocaust and characterizing them as invaders bent on eliminating the Jewish people.<sup>13</sup> This rhetoric sustains a narrative of a “permanent emergency” justifying the colonization of occupied territories while dehumanizing Palestinians.<sup>14</sup> In 2023, Israel’s ultranationalist government has exacerbated violence against Palestinians, inciting hatred and settlers’ attacks on Palestinian communities. Radicalised settler youth, often enlisted in the military, contribute to severe abuses against Palestinians.

<sup>6</sup> Ben-Naftali, Orna, Michael Sfard, and Hedi Viterbo. *The ABC of the OPT: A legal lexicon of Israeli control over the Occupied Palestinian Territory*, Cambridge University Press: 2018.

<sup>7</sup> Gordon, Neve, and Nicola Perugini. *Human shields: A history of people in the line of fire*. University of California Press: 2020, pp.81-84.

<sup>8</sup> Diakonia, *The Use of Force in Law Enforcement in the Occupied Palestinian Territories* (2021), pp. 7-9.

<sup>9</sup> HRW, *Israel: Collective Punishment against Palestinians* (2023).

<sup>10</sup> Shalhoub-Kevorkian, Nadera. *Incarcerated childhood and the politics of unchilding*. Cambridge University Press: 2019. p. 33.

<sup>11</sup> Peled-Elhanan, Nurit. *Palestine in Israeli school books: Ideology and propaganda in education*. Bloomsbury Publishing: 2013.

<sup>12</sup> *Stone Cold Justice: Israel’s torture of Palestinian children* - ABC Australia (2014)

<sup>13</sup> Nirit Peled

<sup>14</sup> A/HRC/53/59 (2023)

14. This reality is unsustainable, both for the Palestinians and the Israelis. Today's children are tomorrow's adults. In a world committed to child protection, it is imperative to examine how this commitment is realised in the oPt.

#### IV. Child Protection: International Legal Framework

15. The international legal framework applicable to the oPt comprises international human rights law, international humanitarian law, and international criminal law.<sup>15</sup> This legal framework sets forth the rights and freedoms of children as protected persons and human beings, as well as the obligations of relevant authorities.

16. Within this framework, the CRC, including the Optional Protocol on the Involvement of Children in Armed Conflict, establishes the most comprehensive framework for safeguarding children's rights. The Convention, ratified by Israel in 1991 and the State of Palestine in 2014, is applicable in the oPt. Signatories must respect, protect and fulfil the rights of children within their jurisdiction or subject to their effective control.<sup>16</sup> The State of Palestine's accession to the Convention and other international human rights treaties does not absolve the Israeli occupying authorities of their responsibilities toward Palestinian children under occupation.<sup>17</sup>

17. The Convention is a vital instrument for promoting and defending the rights and dignity of every child. It enshrines four guiding principles underpinning all other rights:<sup>18</sup> the principle of non-discrimination, the principle of safeguarding the best interests of the child, the right to life that spans from survival to development, and the right to participate in decisions and actions that affect them.<sup>19</sup> The Convention guarantees children the right to a name, nationality and family, shielding them from discrimination, exploitation, ill-treatment and violence.<sup>20</sup> It ensures access to education, healthcare, and a nurturing environment conducive to their physical, mental and emotional growth. It affords special psychosocial support to children exposed to abuse, neglect or armed conflict.<sup>21</sup>

18. International humanitarian law, the Hague Regulations, the Fourth Geneva Convention, Additional Protocol I and customary international humanitarian law, reinforces the protections afforded by human rights treaties to children in situations of armed conflict and occupation. Furthermore, these instruments establish a framework for ensuring the safety and security of schools and hospitals, emphasising their vital role as civilian objects that should not be subjected to attack or military use during armed conflicts, siege and bombardment.<sup>22</sup> The recruitment of children for military purposes is prohibited.<sup>23</sup>

19. The occupying power is obliged to ensure public order and civil life, and has responsibility for the welfare of the occupied population including children. This encompasses respecting private property, which cannot be confiscated, and administering public property in the occupied territory as a mere custodian.<sup>24</sup>

20. Fundamental to ensuring the enjoyment of childhood is the prohibition of forcible transfer or deportation of the occupied population outside the occupied territory; extensive destruction and appropriation of property not justified by military necessity, including of hospitals;<sup>25</sup> intentional killing and injury,<sup>26</sup> torture or inhumane treatment;<sup>27</sup> violations of fair

<sup>15</sup> A/HRC/53/59 (2023), paras 14-15.

<sup>16</sup> CRC, article 4.

<sup>17</sup> *Ibidem*.

<sup>18</sup> Committee on the Rights of the Child, General Comment 5 (2003).

<sup>19</sup> CRC, articles 2, 3(1), 6, 12.

<sup>20</sup> *Ibidem*, articles 2, 5, 7, 19, 32, 34, 36, 37.

<sup>21</sup> *Ibidem*, articles 23(3-4), 24, 27, 28, 29, 39.

<sup>22</sup> HRC art 27, art 12 AP I. GC IV, art 18.

<sup>23</sup> CRC, article 38.

<sup>24</sup> Hague Regulations of 1907, articles 43, 45 and 55.

<sup>25</sup> GCIV, articles 49, 18-19, 53.

<sup>26</sup> Customary IHL, rules 1-2, 11, 14.

<sup>27</sup> GCIV, article 32; Customary IHL, rule 90.

trial rights;<sup>28</sup> unlawful confinement of the population;<sup>29</sup> and child recruitment.<sup>30</sup> Intentionally violating any of these obligations is a grave breach of the Fourth Geneva Convention.<sup>31</sup>

21. Such breaches also constitute war crimes,<sup>32</sup> especially “when committed as part of a plan or policy or as part of a large-scale commission of such crimes.”<sup>33</sup> Under international criminal law, some of these violations may amount to crimes against humanity, such as deportation or forcible transfer of population, arbitrary deprivation of liberty, apartheid, torture,<sup>34</sup> and persecution against an identifiable group,<sup>35</sup> or other inhumane acts,<sup>36</sup> when carried out “as part of a widespread and systematic attack directed against the civilian population.”<sup>37</sup> While these crimes do not specifically refer to children, the International Criminal Court’s Office of the Prosecutor recognises that crimes against or affecting children are “regarded as particularly grave, given the commitment made to children in the Statute, and the fact that children enjoy special recognition and protection under international law.”<sup>38</sup>

## V. ‘Enjoying’ Rights in a Militarised Settler-colonial Occupation

22. Violations of children’s rights in the oPt have been widely documented.<sup>39</sup> Given the scale and severity of these violations, this report places primary focus on the “inherent right to life” for every child,<sup>40</sup> a right to be interpreted broadly.<sup>41</sup>

23. As “*the prerequisite for the enjoyment of all other human rights*”, the right to life must be effectively protected.<sup>42</sup> Its protection embraces all facets of a child’s existence, with the best interest of the child taking precedence<sup>43</sup> in any matter impacting their safety, dignity and freedom.<sup>44</sup> Upholding the right to life requires state authorities to ensure the survival and well-being of children, protecting them from arbitrary loss of life and promoting an “environment that respects human dignity and ensures the holistic development of every child.”<sup>45</sup>

24. This includes preserving families’ roles in realising children’s rights, ensuring adequate housing, access to education, the highest attainable standard of health, shielding children from any form of physical and psychological harm, and nurturing their holistic development, physically, mentally, spiritually, morally and socially. This includes ensuring opportunities for leisure, play, and engagement in cultural and social activities, as well as involving children in decision-making processes, especially when their rights and freedoms are at stake.<sup>46</sup>

The following sections explore the structural violence experienced by Palestinian children in the occupied territory, impacting their lives and collective well-being. This, in turn,

<sup>28</sup> GCIV, article 78 and Part III, sections III-IV; Customary IHL, rules 87-91, 99-103, 118-137

<sup>29</sup> GCIV, article 42; Customary IHL Rule 99.

<sup>30</sup> Rome Statute (RS), articles (8)(2)(a)(i)-(vii), (8)(2)(b)(xxvi).

<sup>31</sup> GCIII, article 13; GCIV, article 147.

<sup>32</sup> RS, article 8(2)(a); ICTY Statute, article 2; International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons* [Advisory Opinion] (1996), paras 79, 82; GCIV, article 147.

<sup>33</sup> RS, article 8(1).

<sup>34</sup> RS, art 7(1)(d), 7(1)(e), 7(1)(f), 7(1)(j).

<sup>35</sup> Ibid art. 7(1)(h)

<sup>36</sup> Ibid, art 7(1)(k)

<sup>37</sup> Ibid, article 7(1).

<sup>38</sup> ICC-OTP, Policy on Children (2016).

<sup>39</sup> UNICEF, Children in Israeli Military Detention: Observations and Recommendations (2013); Defense for Children International-Palestine (DCI-P), Palestinian child prisoners: The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli authorities (2009).

<sup>40</sup> CRC, article 6(1), 6(2), UDHR 3.

<sup>41</sup> General comment No. 21 (2017), para 29

<sup>42</sup> CCPR/C/GC/36 (2019), para 2

<sup>43</sup> CRC, CRC/C/GC/20 (2016) on the implementation of the rights of the child during adolescence.

<sup>44</sup> CRC, Preamble

<sup>45</sup> CRC, CRC/C/GC/14 (2013)

<sup>46</sup> CRC, articles 5, 12, 19, 23(1), 24, 27(1), 27(3), 28, 31-36, 37(a).

undermines the realisation of the right to self-determination of the Palestinian people, and their very existence.

## A. Right to live in safety

26. Preserving the right to life involves preventing the arbitrary loss of a child's life, without derogations.<sup>47</sup> In the oPt, the fundamental right to life is under threat, as indicated by mortality rates of Palestinian children: the neonatal mortality and infant mortality rates in the oPt are respectively 9.3 and 12.7, rising to 14.8 for children under 5, while in Israel they are 1.7, 2.7 and 3.4 per 1,000 live births.<sup>48</sup> In addition to direct attacks on the right to life, Palestinians also endure structural violence and racial discrimination that impedes their full development.<sup>49</sup>

### *'I am afraid they will kill me'*

27. In the context of occupation, the excessive use of force not only has outcomes but appears to be a functional component of Israel's policies. This dehumanising approach deprives Palestinians of their protected status as civilians, irrespective of their age, location or background, placing them (in the eyes of Israel) in the category of legitimate military targets rather than protected persons under international law. This strategy, which also covers extrajudicial killings and arbitrary executions,<sup>50</sup> contributes to removal and suppression of any impediment to Israel's territorial objectives.

28. Since 2008, over 1,434 Palestinian children have been killed and another 32,175 injured, mostly by Israeli forces.<sup>51</sup> In the same period, 25 Israeli children have been killed, mostly by Palestinian individuals, and 524 injured.<sup>52</sup> The devastating loss of human life reflects a pattern of documented 'use of excessive force' against the Palestinians<sup>53</sup>. The spectre of death looms as a dominant element in the lives of Palestinian children. This reality exerts a psycho-social toll on those who manage to survive, as poignantly expressed by Quadia, 14: "fearing death does not prevent you from dying but it prevents you from living."

29. The Israeli occupying forces justify such killings on the basis of "self-defence",<sup>54</sup> "counter-terrorism"<sup>55</sup> and, in the context of hostilities in Gaza, the consequence of attacking legitimate targets,<sup>56</sup> or of Palestinian armed groups purportedly using civilians as 'human shields'.<sup>57</sup> Recently, an Israeli occupation lieutenant asserted that the number of Palestinian children "incidentally killed" during operations aimed at "eliminating terrorists" is "irrelevant".<sup>58</sup> Such a statement is not isolated and may reflect broader operational ethics and a legal culture within the Israeli occupation forces that devalues Palestinian civilian life.<sup>59</sup>

30. Israel's attacks against the Gaza Strip, where Palestinians have endured 16 years of unlawful blockade and six large military assaults (2008-2009, 2012, 2014, 2021, 2022, and

<sup>47</sup> HRC, General Comment No. 36, para 2.

<sup>48</sup> UNICEF Data, [State of Palestine and Israel](#) (last updated: 2021).

<sup>49</sup> CERD 2019.

<sup>50</sup> Amnesty International, [Israel/OPT: Increase in unlawful killings and other crimes highlights urgent need to end Israel's apartheid against Palestinians](#) (2022).

<sup>51</sup> OCHA, Palestinian fatalities and injuries [[Database](#)]. [up to 31 August 2023]

<sup>52</sup> OCHA, Israeli fatalities and injuries [[Database](#)]. [up to 31 August 2023]

<sup>53</sup> [A/HRC/40/74](#) (2019); [A/77/328](#) (2022).

<sup>54</sup> Noura Erakat, Justice for Some 178, 182, 186

<sup>55</sup> Khalidi, Muhammad Ali. "'The Most Moral Army in the World': The New 'Ethical Code' of the Israeli Military and The War on Gaza." *Journal of Palestine Studies* 39, no. 3 (2010): 8-13

<sup>56</sup> IDF <https://www.idf.il/en/mini-sites/hamas/meet-the-officers-responsible-for-the-counterterrorism-efforts-against-the-hamas-underground-tunnel-network/>

<sup>57</sup> Gordon, Neve, & Perugini, Nicola. (2016). "The politics of human shielding: On the resignification of space and the constitution of civilians as shields in liberal wars." *Environment and Planning D: Society and Space*, 34(1), 182-183.

<sup>58</sup> IDF Lieutenant, Maurice Hirsch, <https://twitter.com/MauriceHirsch4/status/1655840611704897536>, 9 May 2023.

<sup>59</sup> <https://www.haaretz.com/2006-10-19/ty-article/asa-kasher-we-cant-let-israelis-get-killed-in-order-to-save-palestinian-civilians/0000017f-e0de-d38f-a57f-e6de252e0000>

2023), have denied and threatened the right to life of its Palestinian people. Rockets and missiles fired by armed groups in Gaza have also denied and threatened the right to life of Israelis, including children.

31. Jointly, these Israeli military attacks have killed 4,269 Palestinians in Gaza, including 1,025 children, and injured 41,348, including 7,588 children.<sup>60</sup> Over the same period, rockets launched by Palestinian armed groups have killed 212 Israelis and injured 2,930. Such violent events terrorise children on both sides.

32. During four of these operations against Gaza,<sup>61</sup> the Israeli forces attacked Palestinian life-sustaining medical structures, services and personnel<sup>62</sup>: the military carried out 180 attacks on hospitals and medical clinics in Gaza, targeted 80 ambulances, killed 41 medical workers and injured 104.<sup>63</sup> Attacks on health workers, ambulances, and facilities have also occurred in the West Bank, including east Jerusalem, where severely wounded Palestinians have been unable to receive medical treatment.<sup>64</sup>

33. Amid these hostilities, both Israeli forces and Palestinian armed groups can be found in violation of international law. The illegality of the 1967 occupation, including the blockade of Gaza, does not exempt Palestinian armed groups from their own obligations. Their use of rudimentary rockets targeting areas in Israel, endangering civilians including children, may also amount to a war crime. This does not justify Israel's indiscriminate attacks in densely-populated residential areas in Gaza,<sup>65</sup> including at night when entire Palestinian families are sleeping,<sup>66</sup> with limited or no opportunity to seek refuge, and the targeting of entire residential buildings and other essential infrastructure. Pre-warnings have not proven effective at sparing civilian life: entire families have lost their lives in night attacks.<sup>67</sup> Furthermore, in Israel's targeted assassinations, there are no warnings and children become 'collateral damage'. Palestinians in Gaza have been imprisoned for 16 years and have few if any places to hide when bombs fall upon them; even UNRWA schools proved to be not safe. Children from Gaza describe life after military assaults as an act of mourning: "even when one survives, life becomes unbearable".

34. The Israeli military often claims that the Palestinians use their children as "human shields" on the front lines.<sup>68</sup> However, already in 2009 a UN Commission of Inquiry identified a practice that continues today: while Palestinians killed by the Israeli occupying forces, including children, are sometimes posthumously labelled as "martyrs" by political factions, this is not proof of involvement in armed activities, but is part of a collective consciousness and is accepted by the families who receive financial support from armed groups.<sup>69</sup> The same Commission also raised concerns about potential fabrications of Israel's accusations that schools and hospitals were used by armed groups; as Israel itself conceded, the images it provided to the fact-finding mission were not from the 2008-2009 war.<sup>70</sup>

<sup>60</sup> OCHA oPt, Data [last updated 31 August 2023].

<sup>61</sup> In 2008/9, 2012, 2014 and 2021.

<sup>62</sup> MAP, 2017. *Health Under Occupation*, 16. Bachmann, et al "Gaza 2014: Findings of an Independent Medical Fact-Finding Mission." p. 34-35. Mahase, Elisabeth. 2008. "Gaza: Israeli airstrikes kill doctors and damage healthcare facilities." *BMJ* 373; Medical Aid for Palestinians. 2021.

<sup>63</sup> Perugini, Nicola and Neve Gordon, "Medical Lawfare: The Palestinian Nakba and Israel's Attacks on Healthcare," forthcoming.

<sup>64</sup> Interview with WHO.

<sup>65</sup> A/HRC/49/83 (2022), paras. 9-10

<sup>66</sup> Amnesty International, *Civilian deaths and extensive destruction in latest Gaza offensive*, (2023).

<sup>67</sup> B'Tselem, *Black Flag* (2015).

<sup>68</sup> 2009 <https://www.idf.il/en/mini-sites/wars-and-operations/operation-cast-lead/>; 2012 <https://web.archive.org/web/20121117052226/http://www.idfblog.com/hamas/2012/10/29/hamas-uses-its-own-civilians-as-human-shields-when-launching-rockets-at-israel/> 2014 <https://www.idf.il/en/mini-sites/wars-and-operations/operation-protective-edge/operation-protective-edge> 2021 <https://www.idf.il/en/mini-sites/wars-and-operations/operation-guardian-of-the-walls/operation-guardian-of-the-walls-1/> Gordon, Neve and Nicola Perugini, *Human Shields: A History of People in the Line of Fire*, University of California Press: 2020. pages 22, 170-179, 214-216.

<sup>69</sup> A/HRC/12/48 (2009). para. 423

<sup>70</sup> (Goldstone p 114 report)

35. Independent Commissions of Inquiry found that Israeli military attacks against Palestinian civilians were unnecessary or disproportionate, amounting to arbitrary deprivation of life.<sup>71</sup> On documented occasions, Palestinians, who were not posing any kind of threat, have been attacked with unnecessary force,<sup>72</sup> even as they were standing “in front of a clinic while attempting to leave the village holding white flags”<sup>73</sup> or while playing football on the beach<sup>74</sup> or while gathered around their grandfather’s grave.<sup>75</sup>

36. The violence of these multiple lethal attacks is highly traumatic for children in Gaza, where over half of them may be affected by post-traumatic stress disorder.<sup>76</sup> With very few qualified child and adolescent psychiatrists in Gaza, access to mental health services for children is almost non-existent. The children have inconsolable pain and “fears of dying or losing [their] beloved ones.”<sup>77</sup>

37. In the West Bank, including east Jerusalem, Israel’s assaults on Palestinians have not spared Palestinian children. Since the Second Intifada in 2000, the frequency, toll, and brutality of Israel’s military assaults have persisted. Attacks on cultural spaces and activities have increased, including the violence against worshippers in Al-Aqsa Mosque during Ramadan in 2021, 2022 and 2023. The experience of Jenin refugee camp, an area of 0.42 square kilometres hosting about 24,000 refugees,<sup>78</sup> is an example of this structural violence. Beyond the incursions and military operations that Israel considers routine, Jenin has been attacked seven times in 2023<sup>79</sup>, killing 40 Palestinians, including nine children. “They were bombing us from everywhere, they were everywhere, we were so scared that our parents may die,” said Yasmine, 16, referring to the assault occurred on 3-5 July 2023. The children observing the assaults from outside the camp were scared for their friends and for ‘their’ Freedom Theatre, “the only place where we enjoy our life and we are not scared.” Jenin children spoke fondly of 15-year-old Sadeel Naghniyeh, killed by an Israeli sniper in the head while in her courtyard, during the withdrawal of the occupation forces from Jenin camp.<sup>80</sup>

38. Repeated exposure to death and violence under Israeli occupation result in high levels of mental and emotional distress among Palestinian children. One teenager in the Dheisheh refugee camp: “if this is what life looks like at 15, I swear death is more merciful.” Recently, Palestinian children in the West Bank started to carry farewell letters in their pockets.<sup>81</sup>

39. When asked to describe their main source of fear, Palestinian children referred to the Israeli soldiers and “*al-mustawtinin*” (the settlers).<sup>82</sup> The gruesome killings by Israeli settlers of Muhammad Abu Khdeir, 16, in Shu’fat in 2014 and the Dawabsheh family killing in Duma in 2015 are still vivid for Palestinian children. Israeli settlers, including children and the youth, have become increasingly aggressive, coordinating mass assaults on Palestinian towns in the West Bank.<sup>83</sup> Since 2017, the UN has documented 3,244 such incidents, resulting in 920 Palestinian casualties and damage to 2,324 properties.<sup>84</sup> Extreme forms of settler violence include incursions in Palestinian property including at night, regular ‘pogroms’, the torching of infrastructure and physical assaults against Palestinian residents<sup>85</sup> – all under the eyes of the Israeli occupation forces, with some of it publicly praised by some senior Israeli

<sup>71</sup> A/HRC/49/83 (2022), para 25; A/HRC/12/48(2009), para. 1431; A/HRC/29/52, para. 71; A/HRC/22/35/Add.1, para. 10

<sup>72</sup> A/HRC/28/80/Add.1 (2014), para. 43

<sup>73</sup> A/HRC/49/83 (2022), Para 59

<sup>74</sup> OCHA, Occupied Palestinian Territory: Gaza emergency Humanitarian Snapshot (as of 17 July 2014)

<sup>75</sup> A/HRC/52/75, para.8.

<sup>76</sup> WHO, A72/33, 2019, para 15.

<sup>77</sup> Interview with children in the Gaza Strip, August 2023.

<sup>78</sup> UNRWA, Jenin camp [Factsheet].

<sup>79</sup> In January, March, June and July.

<sup>80</sup> Adra, Basel. “Her smile never left her face”, +972mag (2023).

<sup>81</sup> <https://www.newarab.com/features/how-nakba-continues-take-lives-palestinians>, confirmed by DCI.

<sup>82</sup> Interviews with children in West Bank August 2023, and Jerusalem, February 2023.

<sup>83</sup> NRC, Attribution of settler-violence to the State of Israel (2023).

<sup>84</sup> UN, Image 1 from Increase in Settler Violence, Displacement – Remarks by OCHA Spokesperson Jens Laerke (2023)

<sup>85</sup> Mohar, Avishay. “Settlers have a very effective system for forcing Palestinians out of their homes”, *Haaretz*, (2023).

officials.<sup>86</sup> Within these incidents, children are targeted even when running away from the soldiers, such as Ramzi Fathi, 17, fatally shot in the chest and abdomen.<sup>87</sup> “The life of children should be sacrosanct,” says a mother of three from Jenin. Instead, “our children are killed, threatened, intimidated; it is an entire system designed for it.”<sup>88</sup>

40. As a 13-year-old child in Gaza lamented, “Even when we protest, they kill us,” referring to the Israeli forces’ open-fire policy during the weekly protests in the Gaza Strip during the 2018-2019 Great March of Return, which killed 223 Palestinians, including 46 children, and injured 36,100, including 8,800 children.<sup>89</sup> The UN Commission of Inquiry on the Gaza protests concluded that “Israeli security forces used lethal force against children who did not pose an imminent threat of death or serious injury to its soldiers. Four of the children were shot as they walked or ran away from the fence”<sup>90</sup> and “Israeli snipers shot them intentionally, knowing that they were children.”<sup>91</sup> A shoot to kill policy<sup>92</sup> is deployed against Palestinian adults and children alike in the occupied territory. Irrespective of whether these children are directly targeted, these attacks cast a profound effect on children.

41. Beyond arbitrarily taking lives, Israel has forced Palestinian children to be at the frontline of military operations, including toddlers.<sup>93</sup> Since 2000, at least 31 children have been forced to stand in front of a military tank or a soldier, witnessing the destruction of their surroundings.<sup>94</sup> One of these children recalls: “I was trembling and crying and shouting to the soldiers to remove me because the bullets were passing over my head, but one of them ordered me in Arabic through a small window in the military vehicle, “Stay where you are and don’t move. You’re a terrorist. Stand in your place until you say goodbye to your brother.”<sup>95</sup>

### **Maiming**

42. “When they do not kill [our children], they may remain ruined forever,” says a Palestinian mother, reflecting how many children have been maimed by Israeli forces and settler violence.<sup>96</sup> Between 2019 and 2022, 1,679 Palestinian children and 15 Israeli children suffered lasting physical injury.<sup>97</sup>

43. Medical personnel in the Gaza Strip and the West Bank report a “shoot to cripple” policy, manifested in the shift from “traditional means” to disperse protests, to “firing at protestors’ knees, femurs, or aiming for their vital organs” to pre-emptively debilitate the capacity for any other form of opposition to Israel’s oppression.<sup>98</sup> During the 2018 protests in Gaza, Israeli forces permanently disabled many of the 940 children shot during the demonstrations, including 20 children left maimed,<sup>99</sup> and through other lifelong disabilities,

<sup>86</sup> Smotrich <https://www.timesofisrael.com/israel-should-wipe-out-palestinian-town-of-huwara-says-senior-minister-smotrich/>; Ben Gvir <https://www.thenationalnews.com/mena/2023/06/23/far-right-israeli-minister-ben-gvir-calls-for-killing-of-thousands-of-terrorists/>

<sup>87</sup> DCI-P, *17-year-old Palestinian boy succumbs to gunshot wounds from Israeli settlers* (2023).

<sup>88</sup> Interview with Palestinian women from Northern West Bank.

<sup>89</sup> B’Tselem and Palestinian Centre for Human Rights, *Unwilling and Unable: Israel’s Whitewashed Investigation of the Great March of Return Protests* (2021).

<https://www.un.org/unispal/document/two-years-on-people-injured-and-traumatized-during-the-great-march-of-return-are-still-struggling/>

<sup>90</sup> A/HRC/40/74, para 67

<sup>91</sup> Ibid, para 68

<sup>92</sup> Amnesty International, “Israel: ‘Deliberate attempts’ by military to kill and maim Gaza protesters continues” (2018); B’Tselem & Palestinian Centre for Human Rights, *Unwilling and Unable*, p. 6.

<sup>93</sup> DCI, *Israel forces use five Palestinian children as human shields* (May 18, 2023)

<sup>94</sup> Ibid.

<sup>95</sup> [https://www.dci-palestine.org/israeli\\_forces\\_use\\_palestinian\\_girl\\_as\\_a\\_human\\_shield\\_in\\_jenin](https://www.dci-palestine.org/israeli_forces_use_palestinian_girl_as_a_human_shield_in_jenin)

<sup>96</sup> Interview with Palestinian mothers in Jenin, August 2023.

<sup>97</sup> CAAC reports 2022-2023: A/77/895-S/2023/363 para. 89; A/76/871-S/2022/493, para 88; A/75/873-S/2021/437 para 79; A/74/845-S/2020/525, para 86

<sup>98</sup> Blumenthal, Max. “Evidence Emerges of Israeli ‘Shoot to Cripple’ Policy in the Occupied West Bank.” *Alternet*, (2014).

<sup>99</sup> HRC(CoI)- A/HRC/40/74 (2019)

such as blindness.<sup>100</sup> Israel's use of force against the protesters was found to be "neither necessary nor proportionate, and therefore impermissible".<sup>101</sup>

44. Deliberately maiming children and young people reflects the level of dehumanisation they are subjected to.<sup>102</sup> Children embody this existential cruelty: it allows life to continue, yet it perpetuates fear and vulnerability<sup>103</sup> and makes life "something resembling an incomplete death".<sup>104</sup>

#### **Arbitrary arrest and detention**

45. Since 2000, an estimated 13,000 Palestinian children have been detained, interrogated, prosecuted, and imprisoned by Israeli occupation forces,<sup>105</sup> with an average of 500-700 children detained yearly.<sup>106</sup> Between 2022-2023, the number of children detained without charge or trial has risen, with currently 20 children in administrative detention.<sup>107</sup> Cruel, inhuman and degrading treatment is widely reported<sup>108</sup> and their tribulation through arrest and detention is covered elsewhere.<sup>109</sup> Palestinian children can be arrested anywhere, at checkpoints, on their way to school, during operations in towns and camps, or even in their own beds. One mother recounted the night arrest of her son: "They forcefully dragged him, hit him (...), they hooded him while I was standing there screaming 'He is a child... have mercy, a child,' and he was calling me, 'Yamma, yamma [mom, mom],' and I could not do anything... Seeing him vomiting while he was being hooded with their bag..."<sup>110</sup>

46. The majority of children are charged with stone throwing<sup>111</sup> at Israeli forces' armoured vehicles, which may result in sentences from 10 to 20 years. For example, Naveen, nine, recounts: "I started picking up stones, trash from the street, and even my juice bottle and screamed loudly to prevent them from arresting my father."<sup>112</sup>

47. In over a decade, at least 1,598 Palestinian children have been subjected to ill-treatment upon arrest and detention.<sup>113</sup> Allegations of torture have been widely documented.<sup>114</sup>

48. Upon arrest, 77 percent of children are denied access to a lawyer prior to interrogation<sup>115</sup> and nearly 60 percent of them are deported to Israel.<sup>116</sup> Detainees transfer outside the oPt constitutes a war crime.<sup>117</sup> It hinders family visits, due to difficulties obtaining Israeli-issued permits. Typically, a child receives just one sporadic visit from family members, further isolating them from family and community. Parents are rarely informed of their children's whereabouts upon arrest, which not only violates the CRC but also may

<sup>100</sup> DCI-P, Israeli forces blind 3 Palestinian children with live ammunition, stun grenade (2023).

<sup>101</sup> A/HRC/40/CRP.2, (2019) para 96

<sup>102</sup> [www.haaretz.com/israel-news/2020-03-06/ty-article-magazine/.highlight/42-knees-in-one-day-israeli-snipers-open-up-about-shooting-gaza-protesters/](http://www.haaretz.com/israel-news/2020-03-06/ty-article-magazine/.highlight/42-knees-in-one-day-israeli-snipers-open-up-about-shooting-gaza-protesters/); <https://mondoweiss.net/2020/03/i-remember-the-knee-in-the-crosshairs-bursting-open-israeli-snipers-boast-of-shooting-ducks-in-gaza>

<sup>103</sup> Puar, Jasbir K. "The 'Right' to maim: Disablement and inhumanist biopolitics in Palestine." *Borderlands* 14, no. 1 (2015): 1-27, pp 7-8.

<sup>104</sup> Fanon, Frantz. *A Dying Colonialism* (1965), p. 128.

<sup>105</sup> DCI-P, Arbitrary by Default, Palestinian Children in the Israeli Military Court System (2023), p. 20

<sup>106</sup> *Ibid.*, p. 20

<sup>107</sup> Addameer, Statistics [last update September 2023].

<sup>108</sup> DCI-P, *Arbitrary by Default*, pp. 29-30; B'Tselem, *No Minor Matter* (2011), pp. 37-38; CRC/C/15/Add.195 (2002), para 36.

<sup>109</sup> A/HRC/53/59 (2023), paras 65-72.

<sup>110</sup> Kevorkian, 2019, p. 74

<sup>111</sup> Nicoll/Save the Children (StC), *Injustice: Palestinian children's experience of the Israeli military detention system*, 2023, p. 8

<sup>112</sup> Kevorkian, 2020, p. 89

<sup>113</sup> CAAC reports 2010-2023; Nicoll/StC, *Injustice*, p. 13

<sup>114</sup> Nicoll/StC, *Defenceless, The Impact of Israeli Military Detention on Palestinian Children*; DCI-P, *Arbitrary by Default*.

<sup>115</sup> Military Court Watch/MCW, *Annual Report (2021/2022)*, pp. 15-16.

<sup>116</sup> Nicoll/StC, *Defenceless*, p. 9

<sup>117</sup> RS, Article 8(2)(b)(viii).

amount to enforced disappearance,<sup>118</sup> which, in the context of a widespread or systematic attack directed at the civilian population, constitutes a crime against humanity.<sup>119</sup>

49. Palestinian children often experience solitary confinement in windowless cells, constantly lighted.<sup>120</sup> This prohibited practice,<sup>121</sup> very common during interrogation, has increased from 12.5 average days in 2022 to 16.5 in 2023.<sup>122</sup> The irreparable effect of solitary confinement on young people at such a critical stage of their neurological, physiological, and social development, has a serious risk of long-term developmental impairment and psychological harm.<sup>123</sup> The practice is associated with increased risk of suicide and self-harm and creates problems with reintegration, failing to tackle the root causes of disruptive or violent behaviour. Reflective of this troubling reality is the case of Ahmad Manasra, who has been in solitary confinement since November 2021, despite developing schizophrenia.<sup>124</sup> Cases of Palestinian children in Israeli custody resorting to self-harm and attempting suicide are not rare.<sup>125</sup>

50. Trials last three minutes on average, during which children may see their family and lawyer for the first time since arrest after protracted periods apart.<sup>126</sup> Parents recount the horror of seeing their young children appearing before a martial court for a few seconds, surrounded by guards and with “the judge not even looking at [their] children [while] taking one minute to sentence them to imprisonment.”<sup>127</sup>

51. This calvary deeply traumatises Palestinian children, their families and communities.<sup>128</sup> Most of the children, like Bassam, aged 11 when arrested, cannot comprehend all this: “What right do they have to arrest me and put me in prison for 100 days, threaten to arrest my father, and hit my mother? I was exposed to torture and spent ages without food or sleep.”<sup>129</sup>

52. Israel’s concept of ‘military juvenile justice’ runs counter to fundamental protections for children during arrest and detention, including their right to a fair trial, breaching the obligations to: only detain children as a last resort, for the shortest possible duration, with the assistance of a legal representative; respect the presumption of innocence and privacy; and never subject children to torture or cruel treatment. Extra-judicial killings of children deprive them of the right to even a trial, as with Ahmad Manasra’s cousin Hassan who was armed with a knife, not a gun, but killed immediately.

53. In addition, these practices include instances of house arrests, where parents are compelled to act as the guardians for their detained children within their own homes.<sup>130</sup> “I became my son’s jailer, I felt he resented me”, said a mother of a 17-year-old sentenced to house arrest after six months in detention.<sup>131</sup> Contrary to the principles of humane treatment and the preservation of family integrity,<sup>132</sup> this disrupts the developmental trajectory of the child and family life. Jamal, detained at 15, explained: “You have your whole life planned out but then you get arrested, and it ruins everything... It’s as if this experience robs you of your time and your future.”<sup>133</sup> Requiring parents to act as the arm of the occupying power

<sup>118</sup> Convention on Enforced Disappearance (2010), article 2.

<sup>119</sup> RS, Article 7(1)(i).

<sup>120</sup> MCW, Annual Report (2021/2022), p. 18

<sup>121</sup> CRC, article 37.

<sup>122</sup> DCI-P, Arbitrary by Default, p. 2.

<sup>123</sup> Lancet 2018.

<sup>124</sup> UN experts urge Israel to free Ahmad Manasra, 14 July 2022.

<sup>125</sup> Ibid., p. 19.

<sup>126</sup> B’Tselem (2011), p. 50

<sup>127</sup> Interview with mothers in Jerusalem, February 2023.

<sup>128</sup> Gwyn, Daniel. “‘The strong do what they can and the weak suffer what they must’: Palestinian families under occupation”, Context 164, 2019, p. 49.

<sup>129</sup> Nicoll/StC, *Defenceless*, p. 17

<sup>130</sup> MIFTAH, [Locked in: Israel’s house arrest policy against Palestinian children](#), April 11, 2020

<sup>131</sup> Interview with parents and former child detainees, Jerusalem, February 2023.

<sup>132</sup> CRC, articles 3,9,16.

<sup>133</sup> Nicoll/StC, *Injustice*, 2023, p. 3

can also produce irreparable rifts in family life, as children may view it as collusion rather than a desire to protect them from prison.

54. Children who have experienced detention report anxiety, depression and personality change.<sup>134</sup> Parents report noticeable changes in their children's behaviour, including increased clinginess, isolation and a lack of interest in ordinary or enjoyable activities.<sup>135</sup> Children are constantly haunted by the fear of being re-arrested, with 59 percent thinking about this possibility daily. As one mother recalled, "my son became angrier, but he does not want to talk about it."

## B. Right to Live in Dignity

55. "How can children ever be happy under occupation?" asks Adnan, father of four, from Jenin. In the occupied West Bank, the expansion of Israeli-Jewish colonies, discriminatory zoning and planning, and the exploitation of Palestinian land and other resources at the expense of Palestinian sovereignty have confined Palestinians into impoverished and densely-populated 'enclaves', making the achievement of life in dignity unattainable.<sup>136</sup>

56. The Gaza Strip, under illegal siege and blockade, is the most obvious example of the restrictions on movement and access. But the West Bank, including east Jerusalem, has many areas where Palestinians are effectively corralled in towns and villages surrounded by colonies, military encampments, hundreds of fixed and mobile checkpoints, 400 kilometres of segregated roads, "military zones" inaccessible to Palestinians, and the Wall and the separation it entails.

57. Children feel this physical segregation keenly. It is compounded by bureaucratic obstacles requiring Palestinians to obtain Israeli-issued permits for even basic aspects of life, including travel within the West Bank and Gaza Strip (Jerusalem being inaccessible to most Palestinians) for construction, work, education, and healthcare. Mass surveillance technologies, including cameras, drones and social media monitoring further augment this control, infringing on privacy and leading to arrests for minor infractions. These controls create formidable barriers to communication, movement, and development, depriving families, and especially children, of essential resources for social and economic growth, and the opportunity to live in dignity and reach their full potential.

### *Coerced Poverty and De-Development*

58. Israel's settler colonial occupation is costing \$11 billion to the Palestinian economy,<sup>137</sup> and has driven the 'de-development' of the occupied territory, forcing 2.1 million Palestinians in the territory, half of whom are children, below the poverty line.<sup>138</sup> Unequal access to natural resources, including water,<sup>139</sup> together with the consequent gradual erosion of family livelihoods,<sup>140</sup> self-sufficiency in agriculture, industry and fishing<sup>141</sup> entrench economic instability and income decline.<sup>142</sup> Born and growing deprived of critical resources and land, Palestinian children have to rely on foreign aid for basic necessities.<sup>143</sup> Some half a million Palestinian children are food insecure, lacking reliable access to nutritious and

<sup>134</sup> Nicoll/StC, *Defenceless*, p. 20

<sup>135</sup> Nicoll/STC, *Injustice*, p. 16

<sup>136</sup> A/72/556 (2018); B'Tselem, *Expel and Exploit: The Israeli Practice of Taking Over Palestinian Land* (2016).

<sup>137</sup> UNCTAD, *Economic costs of the Israeli occupation for the Palestinian people* (2021); *The Gaza Strip under closure and restrictions* (2020).

<sup>138</sup> IMF, *West Bank and Gaza: Ad Hoc Liaison* (2022).

<sup>139</sup> Al-Haq, *Corporate Liability: The Right to Water and the War Crime of Pillage* (2022); A/HRC/48/43 (2021).

<sup>140</sup> NRC, *Area C is Everything* (2023), p. 2.

<sup>141</sup> UNCTAD, *Economic cost of the Israeli occupation for the Palestinian people*, A/71/174 (2016).

<sup>142</sup> Roy, Sara "De-development revisited: Palestinian economy and society since Oslo", *Journal of Palestine Studies*, vol. 28, No. 3 (1999), pp. 64–82.

<sup>143</sup> Turner, Mandy (Ed.), Achilli, Luigi, & Buttu, Diana. *From the River to the Sea: Palestine and Israel in the Shadow of Peace*. Lexington Books: 2019. Introduction.

sufficient food.<sup>144</sup> This affects their mental, physical, and behavioural health, their education, and consequent life opportunities.<sup>145</sup>

59. A quarter of childhood diseases in Gaza may be linked to water contamination<sup>146</sup> as 75 percent of Gaza's sustainable groundwater is taken by the occupying power,<sup>147</sup> with most of the remainder not fit for human consumption.<sup>148</sup> In the West Bank, where Israel controls 87 percent of the mountain water, a Palestinian child has access to only a quarter of the water amount available to a neighbouring Israeli settler.<sup>149</sup> To Palestinian children in the water-scarce Jordan Valley, this 'water apartheid'<sup>150</sup> manifests itself through their families being forced to buy (their own) drinking water from Israeli companies,<sup>151</sup> give up traditional herding practices and witness their crops withering, while Israeli children in illegal colonies "enjoy lush, well-watered lawns, swimming pools and aqua-parks."

60. Witnessing the erosion of their parents' livelihood and dignity hurts children the most: "It is sad to see our fathers having lost everything they had, now they spend most of their time at home," say children in Jenin. The decreasing household income<sup>152</sup> has been connected to increased level of domestic violence,<sup>153</sup> school dropout, and child labour.<sup>154</sup> Children above 10 in the West Bank and the Gaza Strip (nearly one percent of them in the latter) are forced into full-time labour,<sup>155</sup> including in Israel itself or in the illegal colonies, where they face exploitative labour conditions,<sup>156</sup> humiliations by Israelis, and stigmatisation by other Palestinians.<sup>157</sup> "Many of us have to support our families, but finding jobs in Israel is dangerous: we have to enter illegally and accept to be mistreated all the time by them," children from the West Bank told the Special Rapporteur.

#### ***Coerced Homelessness***

61. Homes are essential for children to grow, thrive, and feel safe. The right to adequate housing includes secure tenure, protection against forced evictions and expulsions, access to services like drinking water and energy, along with the protection of privacy and the freedom to choose one's residence.<sup>158</sup> Homes should be highly protected including under occupation or during hostilities: wanton destruction of civilian property not justified by military necessity and carried out unlawfully, as well as destroying or seizing the property amount to war crimes.<sup>159</sup>

62. For many Palestinian children, the safety and stability of their home remain an aspiration "under the rubble."<sup>160</sup> Since 1967,<sup>161</sup> as a deliberate tool of erasing Palestinian

<sup>144</sup> OCHA oPt, Humanitarian Needs Overview 2023 (2022), pp. 45-46.

<sup>145</sup> Muhareb, Rania, et al. "Beyond statelessness: 'Unchilding' and the health of Palestinian children in Jerusalem." *Statelessness & Citizenship Review* 4, no. 1 (2022): 88-112, pp. 106-107.

<sup>146</sup> OCHA oPt, Humanitarian Needs Overview 2023 (2022).

<sup>147</sup> Communications of Special Procedures, *AL ISR 13/2020* (2021)

<sup>148</sup> UNICEF, Water, Sanitation and Hygiene Assessment at the Household Level in the Gaza Strip (2017), p. 4.

<sup>149</sup> Amnesty International, *The occupation of water* (2017).

<sup>150</sup> Al-Haq, Water for One People Only: Discriminatory Access and 'Water Apartheid' in the OPT (2013).

<sup>151</sup> Al-Haq, Corporate Liability: The Right to Water and the War Crime of Pillage (2022).

<sup>152</sup> Unemployment rates are 13% in the West Bank and 45% in the Gaza Strip, PCBS, Labour Force Survey (2022).

<sup>153</sup> de Olarte, et al. Does poverty cause domestic violence?: Some answers from Lima. PUCP. CISEPA, 1999. Better source needed -check with DCI and Al haq

<sup>154</sup> OCHA oPt, Child labour increasing in Gaza (2019); HRW, Ripe for Abuse (2015).

<sup>155</sup> Mason/StC, Trapped: the impact of 15 years of blockade on the mental health of Gaza's children (2022).

<sup>156</sup> ILO, The situation of workers of the occupied Arab territories (2022), p. 10.

<sup>157</sup> Al-Haq, Captive Markets, Captive Lives: Palestinian Workers in Israeli Settlements (2021).

<sup>158</sup> CESCR, General Comment No. 4, para 9.

<sup>159</sup> GCIV, articles 53; 147; Rome Statute, article 8(2)(a)(iv).

<sup>160</sup> Nicoll/StC, Hope Under the Rubble.

<sup>161</sup> Khalidi, Rashid. The hundred years' war on Palestine: A history of settler colonialism and resistance, 1917-2017. Metropolitan Books: 2020.

presence,<sup>162</sup> Israel has demolished 56,500 Palestinian homes through military operations, discriminatory zoning and planning<sup>163</sup> and as collective punishment.<sup>164</sup>

63. Large-scale forced evictions, home demolitions and forced displacement have directly impacted children. In the West Bank, Israel has allocated 0.24 per cent of the land (in Area C) for Palestinians' growth and development<sup>165</sup> with 99.76 per cent allocated for the growth and development of illegal Israeli colonies.<sup>166</sup> Most Palestinians are forced to build without Israeli permits, routinely denied. As a result, some 10,000 Palestinian houses have demolition orders pending.<sup>167</sup> In east Jerusalem, where at least a third of Palestinian homes lack a permit, 2,020 houses have already been destroyed since 2004<sup>168</sup> and 20,000 houses have pending demolition orders,<sup>169</sup> placing over 100,000 residents, the majority of them children, at risk of forced displacement.

64. Palestinian children often witness their parents coerced into self-demolishing their homes to avoid facing steep fines.<sup>170</sup> The accompanying feelings of failure and depression have a direct impact on parenting and on parents' ability to support their children.

65. Children are severely traumatised by this all-encompassing destruction and violence.<sup>171</sup> "All I have are sad memories," says Ghassan, 15. "I still feel traumatised by the soldiers and their dogs attacking and injuring my father [during the demolition]. I have nightmares about the bulldozers ripping away every stone in our house, and the sounds of the explosions still haunt me."<sup>172</sup>

66. Israel also resorts to 'punitive' home demolitions against Palestinians accused of having attacked Israeli civilians or forces.<sup>173</sup> Samer, 11, said: "My father was killed by soldiers who claimed that he was violent around a settlement [colony]... Not only did I lose the most important person in my life, but then they came for our house. First, they made me an orphan, then they made me homeless."<sup>174</sup>

67. In the Gaza Strip, Israel's attacks on residential areas have destroyed 18,507 houses and damaged 26,338 since 2000, affecting half a million Palestinians, half of them children.<sup>175</sup> Israel has justified these actions purportedly for security land clearance or punishing alleged 'terrorists'.<sup>176</sup> Approximately 200 children were affected by the nearly 300 punitive home demolitions.<sup>177</sup>

68. Even if their own home is not demolished, children live with the daily risk that it may be at any time. Witnessing it happening to friends, they constantly receive the message "you are living on borrowed time", as an interviewee said. Forced eviction and home demolitions rekindle the trauma endured by their parents. This intergenerational impact is likely to continue for future generations.<sup>178</sup>

69. Israel's ban on importing essential building supplies has made repair and recovery exceedingly difficult.<sup>179</sup> In 2009, the UN Commission of Inquiry found that "destruction by the Israeli armed forces of private residential houses, water wells, water tanks, agricultural

<sup>162</sup> Amnesty International, *Israel's Apartheid against Palestinians* (2022), pp. 24-26,30

<sup>163</sup> ICAHD, [Statistics on House Demolitions](#) [last updated: 2022].

<sup>164</sup> A/HRC/44/60 (2020).

<sup>165</sup> PeaceNow, *State Land Allocation in the West Bank- for Israeli only* (2018).

<sup>166</sup> *Ibidem*.

<sup>167</sup> ICAHD, *Israel's Demolition of Palestinian Homes: A Fact Sheet* (2021)

<sup>168</sup> B'tselem, [House demolition database](#) (accessed on 12/09/2023)

<sup>169</sup> B'tselem, *Maintaining a Jewish majority* (2019)

<sup>170</sup> Nicoll Claire/Save the Children (StC), *"Hope under the rubble": The impact of Israel's home demolition policy on Palestinian children and their families* (2021).

<sup>171</sup> *Ibid.*, p. 4.

<sup>172</sup> *Ibid.*, p. 12

<sup>173</sup> B'Tselem, *House Demolitions as Collective Punishment* (2017).

<sup>174</sup> Nicoll/StC, *Hope under the Rubble*, p. 10

<sup>175</sup> Al Mezan, [Destruction of Residential Houses between 2000 - 28 Feb 2023.](#)"

<sup>176</sup> Btselem, [Database on Fatalities and House Demolitions](#), Accessed September 2, 2023.

<sup>177</sup> Btselem, [Database on Fatalities and House Demolitions](#), para 55, p. 13

<sup>178</sup> CoI (para 55)

<sup>179</sup> OCHA, *Gaza Strip: Import restrictions impede delivery of services and humanitarian* (2015).

land and greenhouses [...] (served) a specific purpose of denying sustenance to the population of the Gaza Strip.”<sup>180</sup>

70. These policies have led to long-lasting emotional distress.<sup>181</sup> Children recount the desperation of their “dreams for the future disappearing overnight.”<sup>182</sup> After experiencing home loss, most children experience feelings of hopelessness and defeatism, social isolation and disconnection from their community. They feel abandoned by the world, and lose focus on their education.<sup>183</sup> Fadi, 16, asks: “why should I even entertain the idea of envisioning a brighter future?”<sup>184</sup>

### ***Deprivation of Education***

71. Central to a child’s psycho-social development and well-being are education and leisure time.<sup>185</sup> Education is a standalone human right,<sup>186</sup> cultivating the human personality’s ‘sense of dignity,’ and a pivotal means to realise other rights and the child’s full potential.<sup>187</sup> Schools must serve as a secure space for a child’s development, promoting a *continuum* with the child’s family life.<sup>188</sup> Intentionally directing attacks on education facilities constitutes a war crime.<sup>189</sup>

72. Palestinian children in the occupied territory express a particular love for education, viewing their schools as respite from the day-to-day oppression, granting them a sense of “freedom” and fostering the imagination of “a brighter future”.<sup>190</sup> However, attacks on schools, including the military use of schools, is another grave violation committed against Palestinian children.

73. In the West Bank, including east Jerusalem, the primary challenge to education is Israel’s discriminatory permit-system constraining Palestinians’ ability to construct, improve, or even maintain existing schools.<sup>191</sup> 11 Palestinian schools have been demolished since 2010, while demolition orders hang over 59 schools (51 in Area C of the West Bank and eight in east Jerusalem)<sup>192</sup> serving 6,800 students. In November 2022, Israeli occupying authorities demolished the only primary school in Masafer Yatta (Isfey al-Faqa) while children were still inside, forcing them to flee from bulldozers through the school’s windows and then confiscating all their textbooks and school furniture.<sup>193</sup> In this environment, schools are unable to modernise or upgrade.<sup>194</sup> In the Gaza Strip, there are not enough class rooms and 70 percent of UNRWA schools and 63 percent of government-run schools have to operate through double or triple shifts.<sup>195</sup>

74. In the West Bank, going to school becomes “physically exhausting”,<sup>196</sup> because “sometimes, we have to run away from danger such as soldiers,” says Aladdin, 14, from Bethlehem.<sup>197</sup> Checkpoints and intimidating soldiers and settlers affect 80 percent of students.<sup>198</sup> “I can never get to my destination on time. It takes hours because [the soldiers]

<sup>180</sup> A/HRC/12/48 (2009) para 73.

<sup>181</sup> Nicoll/StC, *Hope Under the Rubble*, p. 12

<sup>182</sup> Various reports, including NRC’s “Learning on the Margins,” page 32.

<sup>183</sup> *Ibid.*

<sup>184</sup> Nicoll/StC, *Hope Under the Rubble*.

<sup>185</sup> CRC Articles 28 and 29

<sup>186</sup> ICESCR Article 13,

<sup>187</sup> CRC, art. 29(1)

<sup>188</sup> CRC/C/GC/14, para 70.

<sup>189</sup> RS Art. 8(2)(b)(ii), 8(2)(b)(v) and 8(2)(b)(ix).

<sup>190</sup> Group of girls in Rafah, NRC, *Learning on the margins*, page 30

<sup>191</sup> OCHA oPt, Humanitarian Needs Overview 2023 (2022), page 50.

<sup>192</sup> West Bank Protection Consortium, *Education Under Attack* (2023).

<sup>193</sup> OCHA. Demolitions and Displacement: An Overview (2023).

<sup>194</sup> West Bank Protection Consortium, *Education Under Attack* (2023).

<sup>195</sup> UNICEF, Education Cluster Strategy oPt, 2020-2021 (2020).

<sup>196</sup> NRC, *Area C is Everything* (2023), p. 11.

<sup>197</sup> Nicoll/Save the Children (StC), *Danger is our reality - The Impact of Conflict and the Occupation on Education in the West Bank of the Occupied Palestinian Territory* (2020). page 16

<sup>198</sup> *Ibid.*, p13

search us and check our identity cards”, says Rima, 13, from Bethlehem.<sup>199</sup> Abir, 14, saw on her way to school “a Palestinian boy walking in the street. The soldiers stopped him, body-searched him, hit him, and arrested him because he refused to take off his pants for their strip search.”<sup>200</sup> Ali, from Masafer Yatta,<sup>201</sup> was escorted to school by the Israeli military for 17 years, as the children of Masafer Yatta continue to be, to avoid physical attacks by settlers; he says: “it is unconscionable that the cost of going to school can mean coming back home with a broken body and losing the whole school year.”

75. Since 2012, over 300 children and teachers have faced arrest and detention while in or going to school.<sup>202</sup> Another 481 had their school equipment confiscated at checkpoints.<sup>203</sup> Military attacks on schools are also frequent, with 1,826 incursions or direct shelling/attacks by the Israeli occupying forces recorded over 12 years.<sup>204</sup> “Soldiers attacked my school three or four times last year. They threw tear gas and shot live ammunition. Some teachers and students couldn’t breathe,” says Farea’, 12, Hebron.<sup>205</sup> Tear gas, stun grenades, rubber-coated bullets, live ammunition, and other weapons are used against schools, resulting in hundreds of students and teachers sustaining injuries, and the disruption of the education routine for thousands.<sup>206</sup> Israeli soldiers “break into schools whenever they want,” says Jamal 14, Bethlehem. “The soldiers are always present in front of the school. They could attack us and take us away at any time. They might hit us or arrest us,” says Rima.<sup>207</sup>

76. In the Gaza Strip, at every military operation, school activities are suspended. Moving to online classes is ineffective due to lack of resources<sup>208</sup> and Israel’s constraints on electricity (available around 10-12 hours per day but down to 4-5 hours during offensives).<sup>209</sup> When there are no offensives, “the drones used to enforce the siege of Gaza are our soundtrack,” says Jinan, 14.<sup>210</sup> Over 1,434 schools and kindergartens have been totally or partially destroyed.<sup>211</sup> The construction of underground facilities and the takeover of a school by the de facto authorities in the past<sup>212</sup> have exposed schools to risks of being targeted. However, even in the case of military use of a school by armed groups, a proportionality and military necessity test must be met and civilian protection remains crucial.<sup>213</sup>

77. Amidst these adversities, school drop-out rates have risen to 32 per cent among secondary school children in the West Bank,<sup>214</sup> mostly owing to the lack of safety.<sup>215</sup> Children with disabilities have disproportionately low school enrolment (51 percent in the West Bank and 43 percent in the Gaza Strip).<sup>216</sup> In east Jerusalem, at least 13 percent of Palestinian children are excluded from education due to residency and registration hurdles.<sup>217</sup>

<sup>199</sup> Ibid page 16.

<sup>200</sup> Kevorkian, 2020, p. 128

<sup>201</sup> Operation Dove, Right to Education in the South Hebron Hills: At-Tuwani School Study Case (2019).

<sup>202</sup> SRSG CAAC 2012-2021.

<sup>203</sup> Nicoll/Save the Children (StC), *Danger is our reality*, p.16

<sup>204</sup> SRSG CAAC (2010-2022).

<sup>205</sup> Nicoll/Save the Children (StC), *Danger is our reality*, p. 17

<sup>206</sup> Global Coalition to Protect Education from Attack. *Measuring the Impact of Attacks on Education in Palestine*, (2022). page 6

<sup>207</sup> Nicoll/Save the Children (StC), *Danger is our reality*, p.17

<sup>208</sup> OPT Education Cluster. Education Cluster Strategy - Palestine 2020-2021 (2020).

<sup>209</sup> ICRC, *Gaza: ICRC Survey Shows Heavy Toll of Chronic Power Shortages on Exhausted Families*, Multimedia Newsroom (2021).

<sup>210</sup> Children’s Council Gaza Strip.

<sup>211</sup> SRSG CAAC (2010-2022); A/HRC/12/48 (2009). OCHA Reports 2009, 2012, 2014, 2021.

<sup>212</sup> UNRWA; UNRWA reiterates the inviolability of its installations must be respected at all (2021).

<sup>213</sup> API, article 51(6), 53, 54(4), 55(2), 56(4).

<sup>214</sup> UNICEF, *Palestine Education Fact Sheets* (2022), p.17.

<sup>215</sup> OCHA oPt, Humanitarian Needs Overview 2023 (2022), p. 50.

<sup>216</sup> PCBS, Press Release on the Occasion of the International Day of Persons with Disabilities (2021).

<sup>217</sup> Ghaith, Ali. “The Politics of Education in East Jerusalem.” openDemocracy, (2018).

## VI. Unchilding environment

78. Israeli settler colonialism deprives children of their rights and innocence, prematurely subjecting them to adult-like challenges, responsibilities and preoccupations. This intergenerational every-day experience for Palestinian children, termed “unchilding” by Professor Nadera Shalhoub-Kvorkian<sup>218</sup>, is a reality perpetuated through a system of socio-legal claims, economic exploitation and political control that treats Palestinian children as worthless.

### A. The scars of never-ending harm

79. This chronic exposure to violence places children in a perpetual state of heightened stress, anger, isolation, and hyper-alertness.<sup>219</sup> Many show signs of trauma and profound depression, heightened nervousness with manifestations including constant shouting, irritability and fear of darkness, and feelings of acute loneliness.<sup>220</sup> Opportunities for post-trauma recovery are extremely limited, a lack compounded by continued exposure to traumatic events. The result is what Dr. Jess Ghannam terms as “continuous traumatic stress disorder”.

80. This ongoing trauma significantly disrupts child development, debilitating generational progress.<sup>221</sup> It also has a predictably devastating impact on the development of Palestinian children and may be sowing the seeds for aggression in later life.<sup>222</sup> Over 90 percent of Palestinian children aged 8-14 grapple with insecurity and anxiety.<sup>223</sup> An increasing number suffer from insomnia,<sup>224</sup> bed-wetting and distress especially at time of heavy bombardment<sup>225</sup> and uncontrolled urination.

#### “No one to protect us”

81. Despite their obligation to protect the human rights of the occupied population and guarantee public order and safety,<sup>226</sup> Israeli officials at different levels all play an active role in victimising Palestinian children. The occupation has eroded the very foundations of Palestinian society, in particular the family unit. Extensive killing and “long term imprisonment of thousands have left children orphaned,” says a mother from the West Bank. Even “when a father returns after many years in prison, the bond with his children is undermined”, says a Palestinian mother. The stress faced by family heads, as they are unable to provide stability, protection and security for their families is significant.<sup>227</sup> The Israeli permit system regularly prevents parents from securing, or accompanying children through, medical treatment. This affects 32 percent of children in the Gaza Strip who need treatment but cannot obtain it there.<sup>228</sup> Palestinian children can find themselves undergoing kidney dialysis or chemotherapy without the presence of a parent.<sup>229</sup>

<sup>218</sup> Shalhoub-Kvorkian, Nadera. *Incarcerated childhood and the politics of unchilding*. Cambridge University Press: 2019.

<sup>219</sup> Bailey, Teresa. *The Terror of Childhood in Palestine* (2023).

<sup>220</sup> UNICEF, *The Situation of Palestinian Children in the Occupied Palestinian Territories, Syria and Jordan* (2010).

<sup>221</sup> Gerhardt, Sue. *Why Love Matters: How Affection Shapes a Baby's Brain*. Routledge: 2004.

<sup>222</sup> WHO report, p. 13 cited in A/HRC/12/48 (2009), *Human Rights in Palestine and other Occupied Arab Territories Report of the United Nations Fact-Finding Mission on the Gaza Conflict*, para. 1282

<sup>223</sup> UNICEF, *The Situation of Palestinian Children in the Occupied Palestinian Territories, Syria and Jordan* (2010); Abu Hein, F., “Emotional and Behavioural Problems of Palestinian Children and their Parents under Siege: Gaza Experience”, in WHO and Gaza Community Mental Health Programme, *Siege and Mental Health... Walls vs Bridges* (pre-conference report), 2008, p. 32.

<sup>224</sup> StC-Defenceless.

<sup>225</sup> Mason/StC, *Trapped* (2023).

<sup>226</sup> API, articles 63, 69, 72-79; GCIV, articles 47-78; Hague Regulations (1907), articles 42-56.

<sup>227</sup> A/HRC/12/48 (2009) para 1266.

<sup>228</sup> WHO, *Right to Health* (2022), p. 42.

<sup>229</sup> Gwyn, Daniel. “‘The strong do what they can and the weak suffer what they must’: Palestinian families under occupation”, *Context* 164, 2019, p. 49.

82. In the occupation's fraught and dangerous environment, 65 percent of parents often exhibit violent behaviour toward each other and their children.<sup>230</sup> The level of corporal punishment in school is also reportedly very high. "Everyone beats us here," a group of Palestinian children from Jenin cheerfully reported.

83. Parents do not feel able to protect their children. In the words of a father: "...I feel helpless when they arrest my children; all the parents here in our neighbourhood try our utmost to protect them... they are the most precious thing we have, and we try to protect them in any way possible, but nothing is safe here. My son was arrested while sleeping in bed. His bed [was] not safe."<sup>231</sup> The diminution of parental authority through the inability to protect children profoundly impacts parents and children alike.<sup>232</sup> The absence of protection leaves Palestinian children feeling profoundly isolated and disillusioned. "There is nothing that I or my family can do. Not the Palestinian government, not the international organisations, not my parents. No one protects my rights," says Nadia, 17 (east Jerusalem), echoing a sentiment shared by other children.<sup>233</sup>

84. Among continuous threats to their safety, children may come to perceive violence as their only recourse against a harsh reality.<sup>234</sup> As Rawan, 11, asserts: "We must fight for our right to breathe, to be here, to stay in our city without the daily pain," while her older sister, 15, asks: "Do you understand why we should fight with our bodies? No Palestinian leaders, no international activists are able to help us in preventing the occupation's criminality. We can do it with our bodies and lives..."<sup>235</sup>

85. In their increasingly insecure environment, children often feel driven to assume more active roles in the national struggle, even conflicting with their parents' wishes,<sup>236</sup> choosing to formally align themselves with political groups in search of a semblance of protection.<sup>237</sup> Children, particularly those who have lost parents and their sense of security, begin to view "martyrs" and armed group members as adult role models. As armed resistance has re-emerged in recent years, the appeal these groups may exert on children cannot be underestimated. Families live in fear as they struggle to prevent their children from becoming involved with military groups. A mother from Jenin reported: "Parents here fear for their children, no matter their choices. Once they join the resistance their fate is sealed. If they remain within the resistance, they become targets [of the occupation]. If they leave the group, they remain targets, without the protection of the group."

## VII. Conclusions and Recommendations

86. **As politics cannot be separated from childhood, the violent politics of a militarised settler-colonial occupation cannot be separated from how the children of the subjugated group experience it. In the oPt, settler-colonial violence and state violence are intertwined due to normalised dispossession. An inevitable accompaniment to settler colonialism, violence against the subjugated group will at some point risk to be met by violence, because no people will willingly cede their land, livelihood, dignity and right to exist in perpetuity. There is only one way to secure a peaceful and dignified future between the Jordan river and the Mediterranean sea, and it is by ensuring**

<sup>230</sup> *Ibid*; see also Abu Hein, F., "Emotional and Behavioural Problems of Palestinian Children and their Parents under Siege: Gaza Experience", in WHO and Gaza Community Mental Health Programme, *Siege and Mental Health. Walls vs Bridges* (pre-conference report), 2008, p. 32.

<sup>231</sup> Kevorkian, 2020, p. 73

<sup>232</sup> Daniel, Gwyn, Arlene Healy, and Mohammad Marie. "Families in Chronically Unsafe Community Environments." In *The Handbook of Systemic Family Therapy*, p. 197. John Wiley & Sons Ltd, 2020.

<sup>233</sup> Nicoll/StC, *Hope Under the Rubble*, p. 13

<sup>234</sup> Pietromarchi, Virginia "Why do some Palestinian teens in Jenin dream of 'martyrdom'?" *Al Jazeera* (2023)

<sup>235</sup> Kevorkian, 2020, p. 82

<sup>236</sup> Qouta, Samir, et al "Child Development and Family Mental Health in War and Military Violence: The Palestinian Experience," *International Journal of Behavioral Development* 32, no. 4 (2008). p. 317.

<sup>237</sup> Albanese; Francesca & Al Hussein, Jalal. "Voices of Palestinian refugee youth across the near East: socio-political participation and aspirations" (2020), p. 22

recognition and respect for equal rights, dignity and freedom of both Israelis and Palestinians.

87. The Special Rapporteur recommends that:

(a) The State of Israel abide by the UN Charter and international law halting all abusive practices against Palestinian children, and prioritising the best interest of all children in the oPt; this can only be realised by dismantling its settler-colonial occupation cum apartheid, which stands in the way of realising the full spectrum of rights of Palestinian children and of Palestinians as a people.

(b) The Special Representative of the Secretary-General on Children and Armed Conflict to not delay any further the listing of Israel/oPt in the list of parties that commit grave violations affecting children of the Security Council.

88. In order to ensure this goal, Third States should:

(a) Use diplomatic, political and economic measures afforded by the UN Charter without discrimination.

(b) Not recognize as lawful, aid or assist Israel's occupation given its commission of internationally wrongful acts and international crimes, and call for their cessation and reparations.

(c) Prosecute the commission of international crimes, prioritising atrocity crimes alleged in this report, under universal jurisdiction.

(d) Set up a task force to dismantle the settler-colonial occupation and advance a political solution that respect human rights, dignity and freedom of both Israelis and Palestinians, as the only paradigm to ensure safety and peace.

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