

Information & Discussion Brief, Issue No. 10, January 2007

# PALESTINIAN REFUGEE CHILDREN

INTERNATIONAL PROTECTION AND DURABLE SOLUTIONS



**Badil Resource Center**  
for Palestinian Residency and Refugee Rights



**PALESTINIAN  
REFUGEE CHILDREN**  
INTERNATIONAL  
PROTECTION AND  
DURABLE SOLUTION

**Information &  
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**BADIL-Briefs** aim to support the Palestinian-Arab and international debate about strategies for promotion of Palestinian refugees' right of return, restitution, and compensation in the framework of a just and durable solution to the Palestinian/Arab – Israeli conflict.

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*Photo:*

A child surveying the damage to his house caused by the Israeli invasion. Dheisha, March 2002  
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# PALESTINIAN REFUGEE CHILDREN, INTERNATIONAL PROTECTION AND DURABLE SOLUTIONS

*Cover Photo:*

Balata Refugee  
Camp, Nablus, West  
Bank. August 2006

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# Background

Palestinian refugee children growing up in the context of the protracted Israeli-Palestinian conflict are particularly vulnerable and in need of protection. Considerable attention has been paid by local and international actors to the situation of Palestinian children under Israel's occupation and to monitoring and protecting Palestinian children's rights under international humanitarian and human rights law, in particular the Fourth Geneva Convention and the International Convention on the Rights of the Child. Much less attention has been given to the fact that almost half of the Palestinian children are also refugees and thus entitled to the particular protection afforded under international refugee law.

Brief No.10 examines the rights of Palestinian refugee children under three sets of international law, i.e. humanitarian, human rights, and refugee law as well as relevant United Nations resolutions. The first part of this brief looks at general principles governing the assistance and protection of refugee children. This is followed by an assessment of the principles outlined under the Convention on the Rights of the Child. The third section reviews principles governing implementation of durable solutions. The fourth part of the brief examines the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). The brief then concludes with a set of policy recommendations to improve protection and the search for durable solutions for Palestinian refugee children.

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# 1. INTRODUCTION

## Who are the Palestinian Refugees?

Children comprise nearly half of the entire global refugee and displaced population. At the end of 2005 there were some 8.4 million refugees worldwide of which 44 percent were children under the age of 18. 12 percent were under the age of five. The proportion of children to the entire refugee population is highest in Central and South West Asia, North Africa and the Middle East. More than half of the refugee populations in these areas are under the age of 18.<sup>1</sup>

Palestinians comprise the largest group of refugees in the world.<sup>2</sup> Since Palestinians were massively displaced in 1948, several generations of refugees have been born and raised in exile. It is estimated that there are about 6.8 million Palestinian refugees, including about 6 million refugees displaced in 1948 and their descendants. The majority of this group is registered to receive assistance from the United Nations Relief and Works Agency for Palestine Refugees (UNRWA). In addition, some 830,000 refugees and their descendants were displaced for the first time in 1967, and around 400,000 Palestinians, whose legal status is unclear, were likely displaced from the occupied Palestinian territories (oPt) as a result of Israel's protracted military occupation since 1967.<sup>3</sup>

Children account for close to half of the refugee population registered for assistance with the UN Relief and Works Agency (UNRWA) in the Gaza Strip and nearly 40 percent among the refugee populations of the West Bank, Jordan, and Syria. Their percentage is lower in Lebanon where they comprise less than one-third of the registered refugee population. There are few comprehensive studies of Palestinian refugee children not registered with UNRWA. However, a survey of 1967 refugees in Jordan found that 40 percent were 15 years of age and under.<sup>4</sup> In Egypt, Iraq, Libya and Saudi Arabia, where Palestinians are a major population of concern to UNHCR, children comprise between 30 and 42 percent of the refugee population.<sup>5</sup>



Jenin refugee camp, West Bank. April 2002 © BADIL.

## Problems Faced by Palestinian Refugees

The major problem faced by Palestinian refugees, and especially refugee children, is the denial of durable solutions, in particular, the right of return. Today, the state of Israel has sovereignty over the territory where the homes of origin of 1948 Palestinian refugees are located and opposes their return. Israel's *1952 Citizenship Law* effectively denationalized 1948 Palestinian refugees and their descendants by establishing eligibility criteria for Israeli citizenship that those refugees could not possibly fulfill – i.e. presence in Israel on the day the law was adopted. Moreover, Israel continues to occupy and exercise control over the movement of Palestinians within, from and to the oPt, thereby preventing 1967 refugees from returning to these areas.

Children of Dheisha Refugee  
Camp Commemorating the 52nd  
Nakba Anniversary. May 2000  
© BADIL.



Responsibility for the international protection of refugees, including children, is shared between the country of refuge and international organizations. The main international organization in charge of providing refugees worldwide with protection and seeking durable solutions is the Office of the UN High Commissioner for Refugees (UNHCR). However, in the case of the Palestinian refugees, the United Nations established a special protection regime.

Recognizing its own role in the creation of the Palestinian refugee question and in the absence of the global refugee protection regime set up afterwards, in 1948 and 1949 respectively, the UN General Assembly created two *ad hoc* bodies to address the needs of Palestinian refugees. The first was the UN Conciliation Commission for Palestine (UNCCP), which was authorized to provide Palestinian refugees displaced in the context of the 1948 Israeli-Arab war with *protection* and to facilitate *durable solutions*. The second was the UN Relief and Works Agency (UNRWA) which was charged with fulfilling *humanitarian assistance* needs. The UNHCR was mandated to serve as an alternative – i.e. a safety net – if *protection or assistance* provided by the UNCCP and UNRWA would “cease for any reason” (Article 1D of the 1951 Refugee Convention). This safety net aimed to ensure continuity of protection to Palestinian refugees.<sup>6</sup>

Today, Palestinian refugees, including children, suffer from severe protection gaps. The UNCCP continues to exist on paper but has effectively ceased to provide protection, including the search for durable solutions, since the mid-1950s. UNHCR excludes from its mandate all Palestinian refugee children living in UNRWA's areas of operations, and does not assist in the search for durable solutions to the Palestinian refugee question. UNRWA is a humanitarian UN agency mandated by the UN General Assembly to provide

services to the refugee community and describes itself as “not involved in the political discussions on the future of the refugees.”<sup>7</sup> This regime leaves a protection-gap as far as Palestinian refugees are concerned in that although they receive assistance, no organization is mandated to search for durable solutions and protecting their rights. Despite the lack of a protection mandate, UNRWA indeed recognizes that refugees have the right to choose their durable solutions and that those durable solutions should be based on relevant UN resolutions. Recently, UNRWA has engaged in implementing a rights-based approach to the assistance it offers. This is testimony to the fact that UNRWA supports *all* the rights of Palestinian refugees, even if it is not actively involved in seeking the implementation of all these rights.

## Day to Day Protection

Palestinian refugees, including children, also face gaps in day-to-day protection of their basic human rights. Most are stateless and thus cannot avail themselves of the protections derived from the legal status associated with nationality. Moreover, the UN Committee on the Rights of the Child has expressed concern about the absence of reliable quantitative and qualitative data on all groups of children in Jordan, Syria, Lebanon and Israel as would be necessary to assess implementation of the Convention on the Rights of the Child in general, and, in particular, with regard to Palestinian refugee children, making it difficult to track violations of human rights.<sup>8</sup>

Evacuating the children of al-  
'Azza refugee camp, Bethlehem.  
2001. ©BADIL .



BADIL Survey the Damage of  
'Aida refugee camp, Bethlehem.  
2001. ©BADIL .



Reports by human rights organisations and statements by UN human rights bodies and committees clearly point to the particular vulnerability of Palestinian refugee children. The situation of Palestinian refugee children is particularly severe in the oPt where Palestinians have been living under nearly 40 years of Israeli occupation. While the effects of the occupation are experienced by all Palestinians, the impact on refugees, and especially refugee children, is particularly pronounced. Refugee camps usually have higher rates of poverty and unemployment and have been the sites of frequent violence including military invasions.

Even UN-run schools in the camps do not always provide a safe place for refugee children to learn and play. In October 2004, an 11-year old girl was shot in the abdomen while sitting in class at Khan Yunis Elementary D Co-Education School. She died in the hospital the next day. The gunfire came from the direction of an IDF observation post in the Israeli settlement of Neveh Dekalim. In January 2005, a ten-

year old girl was struck in the head while standing in line in the yard of Rafah Elementary B Co-Education School. The bullets came from the direction of an IDF position near the Egyptian border. She was confirmed dead before reaching the hospital. A total of 159 UNRWA schoolchildren, of whom four were killed in 2005 by Israeli fire into UNRWA schools, died as result of Israeli military incursions. In addition, a total of 1,548 children enrolled in UNRWA schools were injured, of whom 10 were inside school premises.<sup>9</sup> Studies further indicate that during the second *intifada* refugee children in the oPt are more likely to experience higher rates of trauma, including bed wetting, nightmares and aggressive behavior.<sup>10</sup>

Against the background of the multiple vulnerabilities of Palestinian refugee children, this information and discussion brief seeks to outline internationally recognized legal standards for the protection of refugee children and the search for durable solutions. It is hoped that in conjunction with an enhanced knowledge of the challenges and humanitarian problems - as discussed at UNRWA's Geneva Conference<sup>11</sup> in June 2004 – increased awareness of applicable international law and recommended practice will inspire and guide UN agencies and NGOs, as well as governments and donors, in their efforts to strengthen their capacity to assist and protect Palestinian refugee children.

At the same time, it should not be forgotten that assistance activities by the international community with regard to refugee children are meant to be of a temporary nature and should therefore be effectively linked to the advocacy of and search for a rights-based, just and lasting solution to the Palestinian refugee problem. Governments involved in political negotiations in the region should remember the commitment they undertook in General Assembly Resolution S-27/2 of 11 October 2002 ('A World Fit for Children') with respect to the following goals:

To ensure that issues pertaining to the *rights and protection* of children are *fully* reflected in the agendas of peacemaking processes and in ensuing peace agreements...; and involve children, where possible, in these processes. (emphasis added)

This brief is divided into five sections including: an examination of general principles governing the assistance and protection of refugee children; an assessment of the principles outlined under the Convention on the Rights of the Child; a review of the principles governing implementation of durable solutions; an evaluation of the United Nations Relief and Works Agency for Palestine Refugees (UNRWA); and finally, a set of recommendations.

## 2. Assistance and Protection for Refugee Children

The provisions of international protection and assistance for refugees are based on the principle that refugees, including children – as all other human beings – have the right to enjoy their inherent and inalienable human rights. Since refugees usually are in a situation where they can no longer rely on the laws and authorities of their home countries for protection, they need the international community to secure their basic rights and to protect them against human rights violations. International protection is required until a durable solution has been found, which ideally restores protection of refugees by the country of origin.<sup>12</sup> As a consequence of being uprooted from their home communities, and thereby enjoying less access to economic, security, and social rights, refugees also have the right to assistance from the international community, including their host states. Both assistance and protection are needed in order to secure the implementation of the most basic human rights.

A fundamental standard of international refugee protection is the principle of *non-refoulement* whereby it is prohibited to expel or return anyone seeking refuge to a territory where his/her life or liberty may be at risk. The major problem faced by Palestinian refugees, however, is the denial of return to their places of origin. The majority of the Palestinian refugees population originate from areas inside the state of Israel, which has refused to re-admit those wishing to return. The majority of those refugees originating from the oPt have not been able to return because Israel has occupied and exercised effective control over the West Bank and the Gaza Strip since 1967.

Moreover, protection by the international community and host countries includes physical security, freedom of religion, freedom of movement, the right to work, housing, property ownership and education, as well as rights to identity papers, travel documents and social security. The *1951 Convention relating to the Status of Refugees* (hereinafter: 1951 Refugee Convention) requires that most of these rights be guaranteed at the same level as nationals of the state; all are guaranteed at least at the same level as other foreign aliens. Most states in the Middle East in which the majority of Palestinian refugees reside are not signatories to the 1951 Refugee Convention.<sup>13</sup> International protection also includes the search for durable solutions, namely, repatriation (i.e. the right of return), local integration or resettlement in a third country. The preferred solution for Palestinian refugees and internally displaced is repatriation.

In regards to assistance, national and international authorities are mainly responsible for ensuring that refugees are provided with essential services such as provision of food, shelter, health and education. When states are either unable or unwilling to provide these services to refugees, international assistance is required. This right to assistance is established in the 1951 Refugee Convention. Since many Arab host states of Palestinian

refugees are not signatories, assistance is treated not as a matter of right but rather one of good will. International assistance is provided via UNRWA, which offers services and assistance to all Palestinians displaced during the 1948 war and those who were displaced for the first time in 1967.

Refugees of any age group have rights codified in international human rights law, international refugee law and international humanitarian law. The three bodies of law should be regarded as complementing each other in the protection of refugees. Additionally, due to their special vulnerability and developmental needs, refugee children - as all children (persons under the age of 18)- “are entitled to special care and assistance.”<sup>14</sup> Protection of refugee children is both a *social* as well as *legal* and *physical* concern.

The cornerstone of international refugee law is the 1951 Refugee Convention and its 1967 Protocol. While the 1951 Refugee Convention and its 1967 Protocol are applicable to any refugee irrespective of his or her age, none of these instruments contains special provisions for children. The Office of the UN High Commissioner for Refugees (UNHCR), however, has developed specific standards in “soft law” instruments. Although these documents are not of themselves legally-binding, they provide practical guidance and advice as to the implementation of principles on which the international community has agreed, which is why they should be respected by all states.

UNHCR’s Executive Committee Conclusions relating to refugee children, for example, call for national and international action to prevent human rights violations against children; call for the protection of children in armed conflict; urge the international community to provide durable solutions at the earliest possible date; emphasize the right to education at the primary level and recommend provision of post-primary education; recommend specific actions for unaccompanied or disabled children; call for regular assessment and collection of data to ensure that the needs of children are met; emphasize the importance of development strategies to alleviate health problems; and, call for increased public awareness of the situation and needs of refugee children.<sup>15</sup>

UNHCR’s 2002 Agenda for Protection, a comprehensive framework for global



“I took this picture to show the world we are staying here and that if anything happens we are here.”  
© Photo taken by Palestinian refugee child, Hussam. 'Aida camp, al-Rowwad, 2006 (www.amis-alrowwad.org).



Summer Camp for Refugee Children,  
Qalandiya refugee camp, Ramallah.  
2001. ©BADIL .



Summer Camp for West Bank  
Refugee Children Bethlehem. 2006.  
©BADIL .

refugee policy, outlines six interrelated main goals, which includes meeting the protection needs of women and children. Measures to improve protection of refugee children include: ensuring children's participation in decision-making in all areas concerning refugee life; programs to inform refugee children of their rights; training programs on the rights of refugee children; addressing critical children's rights issues in plans of action and annual assessments; and, according importance to primary and secondary education for refugees.<sup>16</sup>

On top of the above mentioned legal instruments, the International Convention on the Rights of the Child (CRC), is recognized as the most important legal framework and guiding principles for refugee children. Every child within a state's jurisdiction is entitled to enjoy all rights of the Convention irrespective of citizenship, immigration status or any other status. States parties are under the legal obligation to respect the universally recognized rights of refugee children and to provide them with the same level of protection, care and resources as children who are nationals of the state party concerned. The CRC is applicable to all children under the jurisdiction of a State party without discrimination. However, UN human rights treaty-monitoring bodies have repeatedly found discriminatory practices and legislation to the detriment of Palestinian refugee children in Arab host countries and Israel, and have therefore emphasized the principle of non-discrimination in their recommendations.<sup>17</sup>

The Committee on the Rights of the Child also reminds states parties of their obligations under international humanitarian law, emphasizing the protection and care they provide for children. Under international humanitarian law, children, including refugee children, are entitled to protection on two levels. As "persons taking no active part in the hostilities," children benefit from the *general protection* provided to civilians. In addition, as a particularly vulnerable category, children are entitled to *special protection* measures laid down in the IV Geneva Convention and its two additional Protocols.

The IV Geneva Convention stipulates that "children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances."<sup>18</sup> Under Article 77 of the Additional Protocol 1, "Children shall be the object of special respect and shall be protected against any form of indecent assault. The parties to the conflict shall provide them with the care and aid they require, whether because of their age or for any other reason."<sup>19</sup> Although the CRC and international

humanitarian law set limits on children's participation in hostilities, children who take direct part in hostilities do not forfeit their entitlement to special protection.<sup>20</sup>

*Non-discrimination, participation* and most importantly, the *best interest* rule are the three pillars on which the CRC rests. “Non-discrimination,” as mentioned in Article 2 of Part 1 of the Convention, means that children will not be discriminated against based on the child's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.<sup>21</sup>

“Participation” refers to the idea that children should play a role in securing their rights, freedom and future. According to Article 12, “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”<sup>22</sup>

In regards to “best interest,” Article 3 states “In *all actions* concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the *best interests* of the child shall be a primary consideration” (emphasis added).<sup>23</sup> In applying the Convention on the Rights of the Child, it is the best interest rule that supersedes anything else and is what separates children's rights from that of their adult counterparts.

In combination, these three pillars seek to ensure the “survival and development” of every child whereby development not only refers to physical health, but also to “mental, emotional, cognitive, social and cultural development.” In contrast to the traditional view that the child is someone with needs that must be satisfied by adults, the underlying concept of the child in the CRC is that of a subject with individual legal rights. Nevertheless, the CRC acknowledges the role of family and community and its affects on the well-being of children and the enjoyment of their rights.

CRC standards are considered universal. The Convention has been ratified by almost all states including the state of Israel and the Arab host countries of Palestinian refugees. Contrary to Israel's position, UN human rights treaty monitoring bodies and the International Court of Justice concur that even the armed conflict in the oPt does not preclude the application of international human rights law. In this context, the Committee on the Rights of the Child in 2001 expressed concern about the impact of military action





Terrified refugee child from 'Aida camp pointing at bullet hole in the door of his house, 2001. © BADIL.

on the rights of children in the oPt and recommended that Israel and other non-state actors establish and enforce rules of engagement for military personnel which fully respect the rights of children as contained in the CRC and protected under international law.<sup>24</sup>

Unfortunately, many Palestinian refugee children are not afforded equal opportunities to an adequate standard of living consistent with the CRC. In the 1967 oPt, Israel maintains a two-tier legal and administrative system which discriminates against all Palestinians, including refugees. In Lebanon, Palestinian refugee children do not have access to the same services and opportunities as Lebanese nationals. An excerpt from UNRWA's *2004-2005 Annual*

*Report* provides insight into the particularly difficult and discriminatory conditions under which Palestinian refugee children in that country are growing up:

Palestinian refugees in Lebanon are among the most disadvantaged. They have only limited access to government services and have to depend almost entirely on the Agency [UNRWA] for basic education, health and relief and social services. Lebanese authorities continued to restrict construction in certain refugee camps, and entry of construction materials continued to be subject to military approval, which was not always granted. Palestinian refugees in Lebanon suffer from poor living and housing conditions and high rates of unemployment. In the past, legislation aimed at preventing refugees from buying immovable property and depriving them of their inheritance rights. There are similar attempts to retroactively annul the Lebanese nationality obtained by certain refugees in 1994.<sup>25</sup>

While refugees in Syria and Jordan, with some notable exceptions, are treated on par with nationals, the treatment of Palestinian refugees in other parts of the Arab world relative to host state nationals has declined over the past two decades. Policies are often driven by political interests rather than the best interests of the child.

Nevertheless, studies attest "to the children's ability to be their own spokespersons."<sup>26</sup>

A project carried out in Lebanon, for example, showed how Palestinian refugee children can actively participate in the advocacy of their human rights.<sup>27</sup> During workshops, which took place in the Mar Elias, Ein al-Hilwe and Nahr al-Bared refugee camps, children were asked to work in teams and committees in order to: (a) prioritize concerns which they would like to have raised in the submission to the Committee on the Rights of the Child; (b) evaluate their specific conditions in relation to standards set by the CRC; and (c) propose solutions and ways to move forward with regard to the problems identified. In order of priority, children expressed the following concerns:

1. Noting the decline of UNRWA services, they expressed fears about not having adequate access to basic rights, especially education but also health care.
2. Besides Palestinians being denied the right to work, children in Lebanon were worried about the general lack of protection against abuse of Palestinian children and the situation of children in the oPt in particular. The non-implementation of the rights of return and to self-determination also ranged among the main issues of concern.
3. Children listed the accumulation of garbage; living conditions in humid, dark and small houses; and lack of space to play as factors depriving them of an adequate standard of living.
4. The importance of the right to have a recognized Palestinian identity and to preserve their cultural heritage was highlighted.

Other rights listed as priorities were 5. freedom to travel; 6. freedom of expression and right to property; 7. discrimination against Palestinians and the right to live in peace and security; and 8. the rights of disabled children.



Refugee Children from Shu'fat camp explaining their drawings about their dreams and goals. August 2006. © Karine Mac Allister

## 3. Children's Rights Under the Convention on the Rights of the Child

This section provides an overview of key rights of refugee children under the Convention on the Rights of the Child and a brief analysis of the status of Palestinian refugee children. These include general principles based on the articles of the CRC, the right to psycho-social well-being, the right to health, the right to education, the right to an adequate standard of living, the right to personal liberty and security, and the right to a legal status.

### A. The Right to Psycho-Social Well Being

(Articles 19, 24 & 25)

**States should ensure children such protection and care as is necessary for his or her well-being to prevent not only physical health problems but also emotional distress. Children with special needs and those who have sustained mental damage, for example, child victims of armed conflict or of torture and other forms of ill-treatment, have the right to psychological recovery and social reintegration in an environment which fosters the health, self-respect and dignity of the child.**

Assisting families to pursue durable solutions is “the single most important contribution to their psycho-social well-being.”<sup>28</sup> However, since the collapse of the UN Conciliation Commission for Palestine (UNCCP) in the mid-1950s, there is no international agency seeking durable solutions for Palestinian refugees. Israel’s refusal to allow those refugees wishing to do so to return to their homes of origin and the lack of rights-based interventions by the international community to ensure that refugees have access to durable solutions have negative consequences for the psycho-social well-being of Palestinian refugee children.

[W]hat differentiates refugee children from other children is their life story, the context in which they live, the uncertainty and constant threats to stability of their life situation, the lack of accessible services and the trauma that often confronts them...<sup>29</sup>

In addition to the stress of struggling for their right of return and of bearing the stigma of being “refugees,” the psycho-social well-being of Palestinian refugee children living in camps in Jordan, Lebanon, Syria and the oPt is negatively affected by exposure to poverty; marginalization (e.g. through discriminatory legislation and limited access

to services); and, overcrowding (e.g. more than five people sharing a bedroom). In Lebanon, Palestinian refugee children expressed their needs as follows:

Just like we need food we also need to play in order to develop our minds and bodies. We play in camp alleys. These places are crowded. There are rats and sewage. This makes us ill.<sup>30</sup>

Similar concerns were expressed by refugee children in Syria, Jordan and in the oPt. In Syria, for example, one child said that,

Football is my favourite game; we play in the street of our camp because we do not have a playground to practice. People in the neighbouring houses often shout at us and order us to play away from their houses. We are always scared of being hurt by passing cars.<sup>31</sup>

In the oPt, the psycho-social well-being of all children is affected by Israel's protracted military occupation. UNICEF reported that as a consequence of the conflict "children show important signs of distress, including bedwetting, nightmares, aggressive behaviour... and low school achievement."<sup>32</sup> The impact tends to be more severe among the nearly three-quarters of a million Palestinian refugee children. One psychologist noted,

You can see the daily psychological stress these young people are subjected to. They have so many of the symptoms of Post Traumatic Stress Disorder: little value for life or death, sense of isolation, loss of weight, lack of concentration...and so on. I have not found one young person in these camps who is not suffering from a form of PTSD.<sup>33</sup>



"There are no place to play. We play in the streets; in our homes or on the roofs. We do not have a lot of toys so we play with anything."  
© Photo taken by Palestinian refugee child, Abdelhadi, Aida camp, al-Rowwad, 2006 (www.amis-alrowwad.org).

Protection of children in armed conflict was one of the concerns articulated by adolescents in the camps. During the Lebanese Civil War from 1975 to 1991 and Israeli Occupation of Lebanon from 1982 to 2000, children were particularly vulnerable to violence and subsequent mental stress. One child observed,

This [international humanitarian law] is not implemented in Lebanon and Palestine. In Lebanon, many school students are wounded from Israeli aggression. In Palestine, children's rights are absent, because the Israelis kill, kidnap and torture children on a daily basis, without taking children's rights into consideration.<sup>34</sup>



A young girl crying after the massacre of Sabra and Shatila, Lebanon 1982. ©AFP

Parents emphasized their children's high level of anxiety and fear during the war in Lebanon. As one study observed, children have, in a sense, inherited the psychological effects suffered by earlier generations.

My grandmother told me that there was a war and that the Amal Movement fired at us and killed my grandfather at Gaza hospital near Shatila. They came to take the keys to the hospital's generator and to kill the patients. He refused to give them the keys, so they shot him and took the keys. They shut off the generator and killed the patients... I have Palestinian and Lebanese friends. Some Lebanese are really good... I confide my secrets only to Palestinian friends, because I am afraid that the Lebanese would tell their friends who might be AMAL members, AMAL would come to the camp and there will be war...<sup>35</sup>

Though children have the right under the CRC to psycho-social well-being, it is clear that Palestinian children refugees are deficient in this area. While numerous efforts are undertaken by local and international organizations to improve the psycho-social well-being of Palestinian refugee and non-refugee children, in particular in the occupied West Bank and Gaza Strip, only durable solutions to the Palestinian refugee issue will begin the process of healing and true psycho-social well being for children and adults alike.

## B. The Right to Health

(Article 24)

**Children have the right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. Adequate nutrition, clean drinking water, environmental sanitation, shelter and primary health services are basic components for a standard of living adequate for children's physical, mental, spiritual, moral and social development.**

Levels of health vary from region to region. Regarding Jordan, the Committee on the Rights of the Child in 2000 mentioned disparities in the enjoyment of the right to health by children living in unofficial Palestinian refugee camps and recommended taking measures to ensure that all children within Jordan's jurisdiction enjoy the rights set out in the CRC without discrimination. Similarly, as pointed out by Amnesty International, "in Lebanon, there are scarce opportunities for Palestinian children ... to be provided with necessary medical care outside of UNRWA's assistance schemes. This is due to restrictions on Palestinian refugees' access to government ... health care and the high costs of private alternatives, which most refugees cannot afford."<sup>36</sup> Palestinian refugee children in Lebanon demanded to have proper healthcare, free hospitalization and clinics at schools in case a child had an accident. One child stated,

The provision of health services should be expanded. Hospitals should exempt Palestinians from surgery fees, because patients die at the entrance of the hospital if they do not pay...We have health centres in Palestinian camps but they are in miserable conditions because of the people that run them. They are not humane, for they do not give the proper medicine to patients. In addition, they complain about patients, instead of providing the patients with moral support.<sup>37</sup>

Regarding Israel, in 2002 the Committee on the Rights of the Child took note of the serious deterioration of health and health services in the oPt and recommended that Israel guarantee safe and unconditional access by all Palestinian children to basic health services, including medical supplies and personnel. The Committee further recommended that Israel guarantee the safety of personnel working for the UN and NGOs in the course of their work on behalf of children and their access to the children concerned.<sup>38</sup> In 2003, the Committee on Economic, Social and Cultural Rights was gravely concerned about the impingement on the enjoyment of the rights to health care as a result of "the continuing occupation and subsequent measures of closures, extended curfews, roadblocks and security checkpoints."<sup>39</sup> Checkpoints have often denied entry to ambulances seeking access to either pick-up or drop-off a patient. Mothers have given birth at checkpoints because Israeli soldiers deprived them of admission to areas where there are hospitals.

An increasing number of women give birth at home or provoke birth earlier in order not to have to pass checkpoints at night. Checkpoints also frequently separate communities from the nearest pharmacy.

Lack of access to health care coupled with unhealthy conditions make for a grim picture. Although, most households are connected to a municipal sewage system – except in Lebanon – or a septic tank, one problem facing refugee households is access to a safe and stable supply of drinking water. Shortage of water adds to the harmful conditions caused by lack of resources. Housing made of concrete or concrete block is difficult to insulate in winter and keep dry from the damp, increasing risk of sickness and disease. More than a quarter of all refugee households are overcrowded, causing sickness and disease to proliferate. The housing situation is most severe in Lebanon where one refugee noted,

At our house, all the walls leak. The staircase [of the building] is broken. There aren't any places for fun, no playgrounds, and no clubs. There isn't even a club in the vicinity... There is always garbage on the stairs; we always have mosquitoes, roaches, and many insects... It is always dark, no light or electricity. Water is scarce... I don't like the overcrowding... When we enter the building, we smell the garbage and sewers are overflowing. I would like to live in a good environment, to see roses when entering the building, not garbage. But no one hears what is in my heart.<sup>40</sup>

Though there are numerous mechanisms in place to offer adequate health services to Palestinian children refugees, problems such as the Israeli occupation and subsequent restrictions of movement, discrimination, and/or financial constraints lead to sub-standard services and consequently sub-standard health conditions.



## C. The Right to Education

(Articles 28 & 29)

**Primary education should be compulsory and available for free to all. The right to education also involves the provision of quality education on the basis of equal opportunity to all children, including non-formal education (e.g. sports and recreational, cultural and artistic activities).**

Worldwide, education is valued for the opportunities it offers. States parties to the CRC are “charged with promoting and encouraging international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods.”<sup>41</sup> By encouraging states to develop different forms of secondary education, such as general and vocational education, the CRC endeavors to make education accessible for all. It also persuades states to offer financial aid to assist those who cannot afford higher education.<sup>42</sup>

Education is highly valued as a means of reaffirming identity and an opportunity for a better life in the face of the protracted nature of the Palestinian refugee crisis.

...I believe education is important for girls and boys and their future. I would like to be a doctor or a teacher. If my parents have no money to pay for my education, I would work every summer and save up for my university fees. I will work in agriculture or in houses [cleaning]...<sup>43</sup>

A recent study carried out in the oPt confirmed the central role of education in the lives of Palestinian children including refugees, both as an academic forum and as a space to socialize and share experiences with other children, especially in times of heavy mobility restrictions. Whereas the report found that most Palestinian children in the West Bank and the Gaza Strip were pessimistic about the future in general, it concluded that

children remain optimistic about their own personal growth and development, ...in terms of maintaining ambitions to undertake professional careers ... and believe that school provides them with the opportunity to work concretely towards improving themselves and ensuring a better future.<sup>44</sup>

Most Palestinian refugees have access to free primary education provided by UNRWA; access to secondary and higher education is restricted in some host countries. Palestinian refugee children fair quite well compared to refugee children worldwide of whom no more than 30 per cent receive education.<sup>45</sup> Enrollment, attainment and literacy rates all are high, and, in some cases, higher than the rates of host country nationals. Nevertheless,

Palestinian refugee children experience different education problems in each host country. In Lebanon, for example, children identified a range of factors leading to students dropping out of school including: maltreatment of students by teachers; students do not understand the lessons in overcrowded (50 pupils) classrooms; and, no place to study in overcrowded homes. Though the Lebanese Minister of Labor, Trad Hamada, recently tabled a memorandum relaxing labor laws pertaining to Palestinians, restrictions on specific professions are still in place. This causes children to be discouraged because even if they study, many of the professions requiring education are unattainable as a result of labor limitations in Lebanon.<sup>46</sup> One child commented,

Life was difficult so I thought it was better to work... but even if I had gotten the diploma, what can I do with it? A Palestinian can do nothing here... You cannot work, or in regards to the future, there are no stable jobs or a stable life.<sup>47</sup>

Schools run by UNRWA have generally been recognized for the high quality of education. Enrollment in schools shows gender parity. UNRWA reports show that the system has high retention and low drop-out rates, and that UNRWA students regularly out-perform students in government schools in state qualifying exams. The Agency also provides vocational and skills training. Shortage of resources and lack of awareness of children's

A young girl receives full marks in her English exams. 'Askar R.C, Nablus, 2005.  
Source: Right to Education Campaign, Birzeit University (<http://right2edu.birzeit.edu/index>). © Muthanna al-Qadi.





UNRWA school, Tulkarem camp. October 2006  
© Anne Paq.

rights among UNRWA educators, however, constitute threats to past achievements. In Lebanon, for example, parents insisted that UNRWA should provide better education. Teachers said that schools ought to have more sports activities, field trips, spacious and better-equipped playgrounds, and equipment for practical exercises should be made available. They stressed the urgent need to have social and psychological counseling units at school for both parents and students.

UNRWA prohibits corporal punishment at its schools; however, the overwhelming majority of children and youth expressed strong complaints about UNRWA schools, especially the brutal and violent behavior of both male and female teachers.<sup>48</sup>

There are two or three teachers who are not good. They are bad with students, they are always hitting and yelling... No one can talk with them, they are always yelling, and they immediately hit... [It upsets me] that teachers beat us without understanding the cause, for example, we would be talking about something and the teachers immediately hit without knowing what's happening, or they solve everything with yelling and insults.<sup>49</sup>

The rapid growth of UNRWA's student population has not been matched with adequate funding for new UNRWA schools and has given rise to a system of 'double-shifting.' Double-shifting is when there are two sets of students and respective teachers who use the same school facilities. The first group is scheduled in the morning and the second group uses the facilities in the afternoon. Double shifting disrupts family schedules and creates problems for the students who tend to receive fewer hours of schooling.

In 2000 the Committee on the Rights of the Child encouraged the government of Jordan to expand its efforts to provide education for refugee children. Similarly, in 2001 the Committee expressed concerns to Israel about the serious deterioration of access to education of children in the oPt as a result of the measures imposed by the Israeli army, including destruction of schools. The Committee recommended that Israel guarantee that every Palestinian child has access to education. Also, in 2006, the Committee reiterated its prior recommendations that Lebanon promote public education in order to ensure the right to education for all children subject to Lebanese jurisdiction. It recommended

efforts to address discrimination based on religion and national origin through a review of policies and increased budgetary allocations for programs targeting the most vulnerable groups. It also advised teaching the principles of the CRC at schools.<sup>50</sup>

While access to education is essential for the development of all children and their future opportunities in life, in the case of refugee children, who are often traumatized by the disruption of normalcy in their families and communities, the sense of continuity and predictability provided by the daily routine of attending school is an additional benefit which contributes to their psychological wellbeing. However, during the civil war and Israeli invasion of Lebanon some refugee children lost more than a year of schooling. In the 1967 oPt, refugee children lost between 35 and 50 percent of class time during the first intifada. Currently, children in the Gaza Strip and the oPt continue to lose school time because of checkpoints and military incursions by the Israeli army.

## **D. The Right to an Adequate Standard of Living**

(Article 27)

**Every child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.**

The CRC primarily calls on parents to ensure an adequate standard of living for their children. However, it also says,

States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programs, particularly with regard to nutrition, clothing and housing.<sup>51</sup>

Despite this charge, Israel continues to destroy Palestinian homes. The last six years has seen an unprecedented level of house demolitions, which has especially affected the most vulnerable sectors of Palestinian society: refugees, women and children in the oPt. Since the beginning of the second intifada, 470 homes have been demolished for punitive reasons alone in the West Bank, leaving 3,330 people displaced.<sup>52</sup> Between October 2000 and June 2005, 2,521 refugee shelters were destroyed in the Gaza

Refugee children of Jahalin Bedouin facing imminent displacement because of the wall. August 2006. © Anne Paq.



Strip, leaving over 24,000 persons homeless.<sup>53</sup> Moreover, according to UNICEF the destruction of resources and infrastructure, such as the water and sewerage infrastructure, in conjunction with a collapse of adequate hygiene has resulted in an increase of water-borne diseases and epidemics.<sup>54</sup> This wide-spread destruction induces fear amongst the more vulnerable populations. One child expressed the fear of many children, including refugee children, in the oPt,

I'm scared of the helicopter. But most of all I'm scared that the soldiers will come back, knock down all the buildings in the camp and build a settlement here as well.<sup>55</sup>

Another child, 11-year old in Gaza, noted,

I didn't go to school for a week after they knocked our house down. Now I'm always scared all the time. It's unfair that me and my friends have to be so scared. Children in other countries can feel safe in their own homes.<sup>56</sup>

In 2002 the Committee on the Rights of the Child expressed deep concern at the large-scale demolition of houses and infrastructure in the oPt and described them as a serious violation by Israel of children's right to an adequate standard of living. The Committee recommended full compliance with international human rights law. It also recommended that Israel refrain from the demolition of civilian infrastructure, including homes, water supplies and other utilities, and provide the victims of such demolitions with support for the rebuilding of their houses as well as adequate compensation.<sup>57</sup> In 2004, the UN Security Council expressed grave concern at the demolition of homes committed by Israel, the occupying Power, in the Rafah refugee camp and called "on Israel to respect its obligations under international humanitarian law", and insisted, in particular, "on its obligation not to undertake demolition of homes contrary to that law".<sup>58</sup> It should also be noted that the Committee against Torture expressed concern at the "Israeli policies on house demolitions, which may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment."<sup>59</sup>



Children sitting on top of a demolished house, Gaza Strip. August 2005 © Nathalie Bardou.

Already in 1997 the Committee on the Elimination of Racial Discrimination held that Israeli closure policies indeed amounted to collective punishment. In 1998 the Committee on Economic, Social and Cultural Rights noted that Israel's policies on closures had resulted in widespread violations of the economic, social and cultural rights to which Palestinians in the oPt were entitled. Establishing that poverty and lack of food aggravated by closures particularly affected children and pregnant women, the Committee urged Israel to respect the right to self-determination which provides that "in no way may a people be deprived of its own means of subsistence."<sup>60</sup>

In Lebanon, freedom of movement of Palestinian refugees is restricted by military presence at the entrance of the camps, likening the living situation to that of a prison. Limitations on movement along with the disagreeable conditions of the camps lead Palestinian refugee children to report as follows:

The camps in south Lebanon are under siege by the Lebanese army... UNRWA should reconstruct the houses and build proper sewerage systems. Many children suffer from several diseases because of this...All camps lack space where we can play and have fun.<sup>61</sup>



In 1996 the Committee on the Rights of the Child recommended cooperation with UNRWA in addressing the socio-economic problems affecting Palestinian children. The recommendations included that displaced persons and refugees be given priority in international cooperation directed towards post-war reconstruction. However, in 2002 and 2006, the Committee continued to express concern about the high rate of Palestinian children living below the poverty line in Lebanon and specified that particular attention should be given to housing, water and sanitation, as well as education when taking steps to improve their standard of living.<sup>62</sup>

An adequate standard of living should most certainly include the absence of fear that one's home will be demolished without the owner's consent. Children should not have to worry about being attacked either by the Israeli army or a bulldozer, or being limited in movement. Homes should also have basic necessities such as access to water, electricity and insulation. Unless these conditions are met, Palestinian children are not being afforded their right to an adequate standard of living.

## **E. The Right to Protection from Exploitation and Abuse**

(Articles 32 & 34)

**Children should be protected from economic exploitation, illegal use of drugs and involvement in drug production or trafficking, sexual exploitation and abuse, abductions for any purpose and in any form and all other forms of exploitation prejudicial to any aspect of the child's welfare. Torture and unlawful killings are absolutely prohibited and the arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.**

The CRC directs states to treat "Every child deprived of liberty...with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age."<sup>63</sup> It also calls for the right to legal assistance and the right to challenge detention. Despite these guidelines protecting children from abuse, unlawful detention and negation of legal representation, Palestinian children in the oPt and in Arab host countries are regularly exposed to violations of these rights.

According to a study based on data collected in the occupied West Bank and Gaza Strip in July and August 2002, almost half of the children surveyed in the oPt (48 percent) had experienced violence or witnessed violent incidents against an immediate family member; 93 percent of the children reported not feeling safe and vulnerable to attack, injury, house demolition or arrest and expressed fear not only for themselves but for their family and friends. Most adolescents (59 percent) aged 13-17 (as compared to 52

percent of the younger children) believed that their parents were no longer capable of protecting them.<sup>64</sup>

A more recent study conducted in 2004 reported similar rates of violence. 45 percent of Palestinian children surveyed gave an account of their school being besieged by Israeli troops and 25 percent witnessed their school exposed to shooting and shelling. 51 percent used physical violence against other classmates while 45 percent witnessed violence on a daily basis.<sup>65</sup> Palestinian refugee children in the oPt are not only exposed to violence by Israeli military action but also at home and in school. According to UNICEF, 37 percent of children reported some type of violence at home. Between 50 to 60 percent of their parents and 44 percent of their teachers reported resorting to physical punishment.<sup>66</sup>

In 2001 the Committee on the Rights of the Child expressed concern about the impact of military action on the rights of children in the oPt and recommended that Israel and other non-state actors establish and enforce rules of engagement for military personnel which fully respect the rights of children as contained in the CRC and international law.<sup>67</sup> However, since the beginning of the intifada through 2005, more than 765 Palestinian children have been killed.<sup>68</sup> UNRWA statistics indicate that 158 refugee children registered in UNRWA schools were killed in the same period. In addition, 1,556 UNRWA school children were injured as a result of IDF activity.<sup>69</sup> In September 2002, Amnesty International concluded:

The overwhelming majority of Palestinian children have been killed ...when members of the IDF responded to demonstrations and stone-throwing incidents with excessive and disproportionate use of force, and as a result of the IDF's reckless shooting, shelling and aerial bombardments of residential areas...In 2002, some 48% of the children killed were 12 years old or younger.<sup>70</sup>

In October 2002, the Committee on the Rights of the Child called on Israel to “investigate immediately and effectively all killings of children and bring the perpetrators to justice.”<sup>71</sup> Two years later, Amnesty International still believed that there was a “pattern of inadequate investigations or lack of investigations.”<sup>72</sup> The consequence is widespread impunity for killings of children, including refugee children.



“There are no place to play. We play in the streets, in our homes or on the roofs. We do not have a lot of toys so we play with anything.”  
© Photo taken by Palestinian refugee child, Raneen. 'Aida camp, al-Rowwad, 2006 (www.amis-alrowwad.org).

Palestinian children also suffer from Israel's prison regime. In the oPt, some 2,500 Palestinian children have been detained since the beginning of the intifada; as of 10 July 2006, 377 Palestinian children were said to be detained by the Israeli authorities.<sup>73</sup> Statistics do not reflect the number of refugee children among those detained. However, since "the arrested children generally come from large, poor families, and many of them live in isolated villages or refugee camps," the percentage of refugee children among Palestinian child detainees is presumably high.<sup>74</sup> According to Defense for Children International, "around 95% of all children arrested and/or detained have been subjected to physical and psychological abuse often amounting to torture."<sup>75</sup>

In November 2001, the Committee against Torture had already expressed concern about "allegations of torture and ill-treatment of Palestinian minors, in particular those detained in the Gush Etzion police station."<sup>76</sup> That same year, the Committee on the Rights of the Child expressed concern about differences in Israel's legislation as applied to Israeli and Palestinian children in conflict with the law, e.g. with regard to the definition of the child which is below 18 years for Israeli children but below 16 years for Palestinian children in the OPT. Furthermore, Palestinian children who are under Israeli detention rarely have access to lawyers, usually cannot receive visits from their families, and are subjected to arbitrary sentencing depending on the political climate at the time – all this in blatant violation of Israel's obligations under the CRC.<sup>77</sup>

Upon these observations, the Committee on the Rights of the Child recommended that Israel: ensure that deprivation of liberty is only used as a measure of last resort and for the shortest possible time; establish and strictly enforce instructions for compliance with the provisions of the CRC by all persons involved in the arrest, interrogation and detention of Palestinian children; investigate effectively all cases of torture and ill-treatment and bring the perpetrators to justice; and, rescind all provisions in the military orders which violate international standards on the administration of juvenile justice. These recommendations have yet to be implemented. Palestinian children continue to suffer from lack of protection of their right not to be unlawfully detained, tortured and/or injured and killed.



'Azza refugee camp, Bethlehem, 2000. © BADIL.

## F. Right to Nationality

(Article 7)

**Children shall be registered immediately after birth and shall have the right from birth to a name and the right to acquire a nationality.**

Palestinians, including refugees, are mostly stateless. However, they hold Palestinian nationality by virtue of the universal recognition of the right to self-determination of the Palestinian people. Palestinian children are therefore entitled to respect and support of their right to self-determination and effective protection under international instruments in order to ensure that children's rights under the Convention of the Rights of the Child are protected. The convention says that



all feasible measures should be encouraged which would reduce statelessness and at the same time assist stateless persons, including children, to enjoy their rights and that states sign the two Statelessness Conventions as a way of increasing the protection of stateless refugees including children under their jurisdiction.<sup>78</sup>

Due to the uncertain political and legal consequences of taking on a new nationality, many Palestinians opt not to naturalize so that their right of return remains a viable opportunity. On this basis, a 14-year old child rejected naturalization in Lebanon as an option and stated:

Every Palestinian should have an identity card like other citizens in the world. We have the right to have an identity card to preserve our honor and dignity in front of other people. We will hopefully return to our homeland Palestine...<sup>79</sup>

In 2003, the Council of Europe recommended that member states effectively implement the UNHCR guidelines on the applicability of the 1951 Refugee Convention to Palestinian refugees and include the information on Palestinian origin in their statistics concerning asylum seekers and refugees.<sup>80</sup>

Recommendations issued by UN human rights treaty monitoring bodies reflect concerns related to the lack of effective protection of many Palestinian refugees living in UNRWA areas of operations. Jordan, Syria and Lebanon are requested to accede to the 1951 Refugee Convention, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of

Statelessness. In addition, the Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination have outlined problems with regard to discriminatory laws regulating citizenship in all three countries and called for the fulfilment of refugee children's right to acquire a nationality.<sup>81</sup>



Commemorating Nakba anniversary. London, 2000. © al-Awda UK.

## 4. Durable Solutions

International assistance is not a substitute for the resolution of a refugee crisis. It does not address the root cause of displacement, but rather provides temporary support to refugees until a durable solution to their problem is found. Protection, on the other hand, inherently entails the quest for durable solutions. On the basis of this understanding, international assistance activities should always be coupled with a protection regime and thereby the search for durable solutions.

The three durable solutions offered to refugees worldwide are voluntary repatriation (i.e. right of return), voluntary local integration in the country of first asylum, and voluntary resettlement in a third country. Other principles relevant to the resolution of refugee problems encompass the right to claim restitution of property and/or compensation for damages and losses. The importance of the refugee's free choice regarding durable solutions is reflected in UNHCR's principle of *voluntariness*, and in the language of UN documents such as UNGA Resolution 1285 of 5 December 1958 which refers to the need to establish durable solutions "...in accordance with the freely expressed wishes of the refugees themselves."<sup>82</sup>

Return or repatriation is the only durable solution that is a right. The right of refugees to return to their country of origin is fully recognized in Article 13(2) of the 1948 Universal Declaration of Human Rights: "Everyone has the right to leave any country, including his own, and to return to his country." The right of return was later codified in legally binding human rights treaties such as the International Covenant on Civil and Political Rights (Article 12(4)) and the Convention on the Elimination of all Forms of Racial Discrimination (Article 5(d)(ii)).

Voluntary repatriation has evolved as the preferred durable solution. Beyond being a matter of principle, "repatriation, which is voluntary, is far more likely to be lasting and sustainable. Voluntariness can be inferred from the principle of *non-refoulement*: involuntary return of refugees would effectively amount to *refoulement*. The principle of voluntariness involves the absence of any physical, psychological or material pressures. However, voluntariness

means not only the absence of measures which push the refugee to repatriate, but also means that he or she should not be prevented from returning, e.g. by dissemination of wrong information or false promises of continued assistance."<sup>83</sup>

The requirement of voluntariness therefore constitutes a pragmatic and sensible approach towards finding a truly durable solution."<sup>84</sup>

With regard to the Palestinian refugee crisis, the durable solution proposed by the UN

General Assembly was neither local integration in the Arab countries of first refuge nor resettlement elsewhere. "From the outset, the international community made it clear that it saw voluntary repatriation as the desirable solution to the problem."<sup>85</sup> On 11 December 1948 the UN General Assembly established, in Resolution 194(III), a framework for a durable solution to the crisis of the Palestine refugees displaced in 1948. Under paragraph 11 the Assembly resolved that,

the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.<sup>86</sup>

In other words, Palestinian refugees should return to their homes, receive housing and property restitution as well as compensation for loss or damage to property. Refugees who chose not to exercise their right of return should be allowed to integrate or resettle and receive restitution and compensation. In 1967,

Security Council Resolution 237 also affirmed the right of return of Palestinian refugees displaced during the 1967 Arab-Israeli war.<sup>87</sup>

When seeking durable solutions for refugee children, special consideration should be given to the principles of *family unity* and the *best interests* of the child. Generally, parents should not be repatriated while leaving a child in the country of asylum. Ill or unaccompanied children may require special assistance or protection in the process of moving and reintegration. In cases of prolonged displacement, many children are born in exile with the

Refugee children from Bethlehem area commemorating Nakba Anniversary, 2001. © BADIL.



camp or house of refuge serving as primary point of reference. Children's participation in all matters affecting them is one of the basic principles embodied in the CRC. The UNHCR *Agenda for Protection* provides that refugee children shall be informed of their rights and encouraged to participate in identifying protection problems and proposing solutions as well as make decisions as to whether or not they will repatriate.

A set of general rules and safeguards has been developed by UNHCR to guide

implementation of durable solutions for refugee children.<sup>88</sup> In the section below, these general rules and safeguards are interpreted and applied, albeit in a non-comprehensive way, to the specific scenario of Palestinian refugee children returning in safety and dignity to their homes located in Israel and the oPt.

**1. Provide refugee children with accurate information. Children should be given opportunities to express their questions, fears and insecurities, and they should be listened to.**

Palestinian refugee children whose families were displaced in 1948 and 1967 were born in the country of asylum; most have never been to Israel or the oPt. Video films, pictures and websites of the areas from which their families were displaced could help give a first impression of the country of return. Textbooks and lessons should provide refugee children not only with historical knowledge of their places of origin, but with information about current conditions.

Visits to the sites of their villages/towns of

origin – if possible - could provide refugee children and their families with a clear idea of what to expect. During such visits, refugee children would have the opportunity to ask questions and discuss their fears, wishes and insecurities with their parents and grandparents. There might even be opportunities to meet with relatives and potential future neighbours.

Since Palestinian refugees tended to remain as close as possible to their homes and villages of origin, the trips would cover reasonable distances and therefore be both



affordable and technically feasible. As to possible diplomatic obstacles, the UNHCR Handbook on *Voluntary Repatriation* establishes that “in the event of refugees wishing to visit their country of origin to assess the conditions there in the context of possible repatriation, UNHCR and the countries of origin and asylum should seek to facilitate such visits.”<sup>89</sup>

## **2. Ensure that there is a focal point for children's needs by offering counseling programs.**

Palestinian refugees, Syrian-Iraqi border. 2005. © CPT.



Local and international organizations, which have accumulated work experience and expertise with regard to Palestinian refugee children, could be focal points in identifying and addressing children's needs through the establishment of counselling programs. Counseling programs for children and adolescents have proved helpful not only in improving decision-making, but also in identifying children or families potentially in need of assistance upon repatriation.

## **3. Screen children's health. For sick or vulnerable children, prepare files to hand over to non-governmental organizations or government institutions in the areas of return, to ensure continued care and treatment.**

In order for the medical system in the country of return to be able to ensure continued care and treatment, the UNHCR guidelines recommend to screen children's health for sick or vulnerable children and to hand over the files to government institutions. In the case of Palestinian refugee children living in Jordan, Syria, Lebanon and the oPt, where UNRWA has for decades been the main provider of health care, the Agency would be well placed to cooperate with the Israeli government in assessing the needs in terms of medical infrastructure that would be linked to the repatriation of Palestinian refugee children.

Since the needs assessment should include mental health aspects (both psychological disturbances and psychiatric cases), the competent Israeli authorities would have to consider language and identity aspects when planning for adequate facilities and treatment. In this respect, medical personnel and psychologists among the Palestinian community in Israel could certainly play a key role in the integration of Palestinian returnee children with psychological problems.

#### **4. Repatriating children should be provided with school certificates or other documentation of education obtained in the country of asylum and be offered adequate education without discrimination.**

UNRWA schools follow the curricula of Arab host countries and issue school certificates. The Agency would therefore be in an ideal position to explain to the Israeli authorities the course contents and to advise on adequate recognition of certificates and academic achievements so that repatriated children are accepted into the appropriate level when continuing their education upon return. Financial assistance to reconstruct schools or to add new classrooms may facilitate the swift admission of returnee children into schools.

Assessments could consider needs arising from the return of refugee children together with the long-standing shortcomings in Israel's education system serving Palestinian citizens. Hence, in addressing the immense gap between the two school systems (the one for Jewish children and the one for Palestinian Arab children) within the wider context of repatriation of Palestinian refugee children, the Israeli government could benefit from international assistance to solve long-standing problems.

With regard to school buildings in Israel, for example, a 2001 Human Rights Watch report concluded that Palestinian Arab schools needed more classrooms.<sup>90</sup> As a result of classroom shortage, lessons were said to take place in inadequate rented spaces; for instance, one third of Arab children were found to study in flammable and dangerous structures. As of 2004, Human Rights Watch observed similar discrimination in the two education systems. The construction of new classrooms in Palestinian Arab communities were largely frozen since 2003, despite an estimated shortage of 1,500 classrooms. Existing schools continue to be in poor repair and lack basic learning facilities like libraries, computers, science laboratories and recreation space. Many Arab communities lacked kindergartens for children aged three to four, although almost all children in the Jewish public education sector are enrolled in such kindergartens by age three. While the Ministry of Education does not make public its total spending on each sector, in 2004 the gap was the equivalent of one full-time teacher for every 16 children in Jewish primary schools as compared to one for every 19.7 children in Palestinian Arab primary schools.<sup>91</sup>

In accordance with the principle of non-discrimination, the quality of education provided to returning refugee children should be the same as that provided to nationals of the same age. "Where education is of a higher standard in the country of origin and voluntary repatriation is a possibility, the higher standard should be adopted."<sup>92</sup> Discrimination in access to quality education in the context of repatriation of Palestinian refugee children would need to be addressed along the lines recommended by the Committee on the Rights of the Child in its 2002 Concluding Observations on Israel:

[T]he Committee is concerned about inequalities in the enjoyment of the economic, social and cultural rights (i.e. access to education, health care and social services) of Israeli Arabs. The Committee recommends that the State party take effective measures, including enacting legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in accordance with Article 2.<sup>93</sup>

In the area of curriculum in other repatriation cases, it is generally recommended that "UNHCR should help obtain textbooks from the country of origin or reprint or modify them as appropriate if refugees have a valid objection to some particular part of the curriculum."<sup>94</sup> In this context, criticism of the Israeli education system (both for Jewish and Palestinian children) which focuses on the transmission of Jewish values and Zionist ideology without adequately considering the Palestinian culture, including literature, identity and history would need to be taken into consideration and addressed.<sup>95</sup>

Arabic, the language of Palestinian refugee children, is recognized as an official language of the State of Israel, although "it is not given equal importance in practice."<sup>96</sup> Training in Hebrew and knowledge of the Israeli political, economic and social system would be necessary for Palestinian refugee children and would significantly enhance their chances of success. Similarly, the promotion of Arabic and Palestinian culture at schools

Children of Tulkarem refugee camp. August, 2006. © Anne Paq.



for Jewish children could help the integration of both Palestinian refugee children in Israel, and of Jewish Israeli children in the wider Middle East.

Peace education and conflict resolution skills may be relevant to children who have grown up in situations of conflict. Emphasizing this aspect, in its Concluding Observations of October 2002, the Committee on the Rights of the Child recommended that Israel and all relevant non-State actors, including the Palestinian Authority, “include human rights education, including children’s rights, in the curricula of all primary and secondary schools.”<sup>97</sup> UNRWA, which has implemented peace and tolerance programmes for Palestinian refugee children in its five fields of operations, could share its experience and expertise in this regard.



Refugee Jahalin Bedouin facing imminent displacement as a result of the construction of the wall. August 2006. © Anne Paq.

## **5. Repatriation programmes should include social services that assess, monitor and assist returning refugee families in their reintegration and design activities to counter the marginalization of vulnerable families.**

In the case of returning Palestinian refugees, female-headed and vulnerable households should be screened for special needs. In this context, attention should be drawn to the feminization of poverty among Palestinian refugees, as indicated in UNRWA’s Annual Report for 2004/2005:

Even though females headed only 13.8% of the household within the overall refugee population, they headed 46% of the special hardship families, illustrating the feminization of poverty largely within those family units headed by elderly females or single women under the age 60 (widows, divorced or deserted).<sup>98</sup>



## 5. Assistance through UNRWA

Until a durable solution to their problem materializes, Palestinian refugee children are in need of and entitled to protection and assistance. Since the implementation of the primary durable solution envisaged by the UN General Assembly in resolution 194(III) has been obstructed by Israel, Palestinian refugees “continue to struggle to cope with increased socio-economic hardship, and are grappling with painful uncertainty about the future.”<sup>99</sup> In recognition of the “continuing needs of Palestine refugees”, the UN General Assembly has repeatedly affirmed that “the functioning of the Agency [UNRWA] remains essential in all fields of operation” and has extended its mandate every three years since 1949.

Although UNRWA does not have a protection mandate, humanitarian assistance may be considered as a type of protection through relief under which refugees are able to realize basic economic and social rights. To the extent to which various UNRWA activities carried out in the fields of health, psychosocial support and education effectively amount to an implementation of rights spelled out in the CRC, it is accurate to conclude that “many of the services provided by UNRWA, although formally labelled ‘assistance,’ have in fact guaranteed basic rights of the refugees.”<sup>100</sup>

Despite the fact that refugees also have varying degrees of access to public sector health services provided by the host countries in the region, UNRWA remains the main healthcare provider for the Palestinian refugee population. UNRWA health services cover primary health care; nutrition and supplementary feeding; assistance with secondary health care; and environmental health in refugee camps. The successive introduction of medical technologies and treatments - in response to arising needs and as a means of prevention - and the focus on combating specific diseases reflect efforts towards the progressive realisation of the right of Palestinian refugee children to enjoy the highest attainable standard of health. In the same vein, with a network of 122 primary health centres, a hospital in Qalqilia and the European Gaza Hospital - a joint project with the EU - the Agency contributes to the fulfilment of refugee children’s right to “facilities for the treatment of illness and rehabilitation of health.”

Traditionally, mental health and psycho-social activities have not been part of UNRWA’s programs. However, in response to special needs which have arisen in the context of the second intifada, UNRWA launched a Psycho-Social Support Program (PSP) as part of its emergency operations in the oPt in December 2000. The program consists of counselling and other activities designed to promote the psycho-social well-being of the refugee population including children, and of stress management workshops and professional training of UNRWA staff – in particular health teams, school personnel and social workers – in the field of mental health.



UNRWA's education program contributes towards achieving the right to education "progressively and on the basis of equal opportunity" by: making primary education free to all Palestinian refugee children through the operation of 644 schools in the five areas of UNRWA activities; encouraging the development of different forms of secondary education, including general and vocational education by running eight vocational and technical training centres with a capacity for 4,884 trainees; and, in making educational and vocational information available to children through career guidance services and assistance in finding jobs locally or in other Arab countries. In Lebanon, where Palestinian refugees have limited access to public secondary education, UNRWA operates three secondary schools.

## Challenges for UNRWA

Successive years of under-funding have had a negative impact on UNRWA's ability to deliver the quantity and quality of services required.<sup>101</sup> This has also affected Palestinian refugee children and adolescents, as can be seen from a number of problems identified in the area of education: a program contributing to making higher education accessible to all on the basis of capacity by providing scholarships for university studies (e.g. engineering, medicine, pharmacy and dentistry) in Middle East countries has had to be discontinued; 77 percent of UNRWA schools operate on a double shift basis due to a shortage of school buildings, which has adverse effects on the quality of education by eliminating extra-curricular activities and reducing teaching time; the working conditions and resources available are inferior to those in schools run by the host countries making it difficult to recruit and retain competent teachers; UNRWA schools are increasingly failing to match the requirements established

by educational reforms in host countries, where new subjects have been introduced in the curriculum; and, the demand for resources is much higher than what is available. For example, there are 65,000 refugees between the ages of 16-18 but only 834 study places available at Agency centres to obtain vocational/technical training.<sup>102</sup>

In response to the recommendations of the 2004 Conference, *Meeting the humanitarian needs of the Palestine refugees in the Near East - Building Partnership in Support of UNRWA*, UNRWA employed in 2005 a Senior Protection Policy Advisor charged with assisting the Agency in applying a rights-based approach and expanding protection activities, especially within the main programs: education, health and relief, and social services. UNRWA's new rights-based approach is to be grounded in relevant international humanitarian and human rights law, in particular the Convention on the Rights of the Child. By adopting a rights-based approach, the Agency seeks to ensure that its assistance programs and operations will protect more effectively the rights of Palestinian refugees under international law.

Under the CRC, education should develop respect for human rights and fundamental freedoms. Education shall prepare children “for responsible life in a free society, in the spirit of understanding, peace, tolerance, equity of sexes, and friendship among all peoples.”<sup>103</sup>

UNRWA's curriculum enrichment programs aimed at fostering tolerance, democracy, human rights and peaceful conflict resolution serve as an example of recent efforts in this regard. These programs, implemented since 1999, have been extended to all UNRWA schools in Jordan, Syria, Lebanon and the opt<sup>104</sup> reaching out to approximately 500,000 Palestinian refugee children.

With a view to integrating human rights into the curriculum rather than introducing the new subject in separate lessons, UNRWA developed materials with child-friendly and colorful illustrations for its schools in the West Bank and the Gaza Strip. These materials include stories for children through which values such as tolerance, respect for different world views and the principle of non-discrimination are conveyed, as well as worksheets

'Askar refugee camp'



for use in Islamic Education, Arabic Language and Social Studies lessons. In addition, manuals for teachers provide guidance on how to use those materials. The program not only endeavors to promote tolerance and understanding of human rights concepts but also seeks to provide children with opportunities to exercise their rights in practice, through, for example, the establishment of Children's Parliaments at UNRWA schools

and the organization of cultural, artistic and recreational activities in the summer.



However, in order to avoid political issues, UNRWA trains children and adolescents up to the age of 15 in conflict resolution without relating to the Israeli-Palestinian conflict and the occupation of the West Bank and the Gaza Strip. Rather, conflict resolution skills focus on solving interpersonal conflicts that may arise within the context of the family or at school by peaceful means. Universal human rights standards are taught in general but not used to analyze the specific historical and political contexts which led to the Palestine refugee crisis in 1948 and determined the conditions and the legal status under which Palestinian refugee children are currently growing up. In line with this approach, the program does not include materials on the right of return.

It would therefore appear that the contents of UNRWA's curriculum enrichment program, as applied in the oPt, are not linked to the search for durable solutions on the basis of universally recognized human rights standards. Finally, the question arises whether the exclusion of the right of return from a human rights education program adequately takes into consideration the views of Palestinian refugee children in matters relevant to their particular situation. How UNRWA's new rights-based approach will affect the curriculum in its schools remains yet to be seen.

Earlier special protection activities carried out by UNRWA often failed to make explicit reference to international humanitarian and human rights law. In response to the first,

and especially to the second *intifada*,<sup>105</sup> UNRWA attempted to use press releases as a form of intervention with the Israeli authorities. For example, an UNRWA press release dated 2 June 2004, which reported that two ten year old pupils had been injured in the head and the neck after a tank opened fire on an UNRWA school in Rafah, states:

This is the second time in a little over a year that a child in a UN classroom has been struck by Israeli fire. Such indifference to the sanctity of schools and the UN flags flying above them violates all humanitarian norms and is absolutely deplorable. Israel's military must take steps to investigate this incident and, if necessary, bring to justice those responsible.<sup>106</sup>

As far as legal arguments are concerned, the above statement appears to rely on international humanitarian rules and the Convention on the Privileges and Immunities of the United Nations. No reference is made to the UN Convention on the Rights of the Child. UNRWA press releases or media events publicizing violations of refugee children's human rights have been the exception rather than the rule.

Moreover, in order for UNRWA to take action regarding violations of refugee children's rights, two conditions must be fulfilled: (a) the children concerned must be UNRWA school children; and (b) the relevant incident must have some relation to an UNRWA installation (e.g. a school). According to these criteria, which again seem to be determined with a primary focus on UN privileges and immunities rather than children's rights, UNRWA has protested incidents where tear gas canisters and/or sound bombs were thrown into UNRWA school compounds; or where UNRWA school children were ill-treated, injured, abducted or killed while at school or in its immediate vicinity, e.g. on their way home or to school.

The above examples illustrate that in some cases UNRWA has intervened with the Israeli authorities in order to protect refugee children's right to life, physical integrity and psychological well-being. However, the resources available and the scope of interventions have been too limited in order to be able to achieve tangible results. Legal protection activities are restricted to UNRWA school children. Palestinian refugee children and adolescents who do not attend Agency schools are, thus, excluded from UNRWA's legal protection activities. When UNRWA school children are victims of human rights violations which occur outside UNRWA installations, there is usually no investigation or follow-up with the Israeli authorities. In line with this approach, UNRWA does not intervene on behalf of detained refugee children whose rights may have been violated in manifold ways and who may have been ill-treated or tortured during arrest and interrogation.

In 1990, during the first *intifada*, UNRWA established a legal aid scheme which included follow-up inquiry into cases of death, injury and harassment. At present UNRWA offers no similar legal aid service where refugees can obtain information about their rights as well as advice and assistance on how to investigate and collect evidence, initiate



court proceedings and file compensation claims in cases where children may have been unlawfully killed or subjected to torture.

In 2000, because of mobility restrictions hindering its humanitarian operations, UNRWA established the Operations Support Programme (OSO) to assist in negotiating passage of UNRWA personnel and supplies and to monitor UNRWA installations in refugee camps. While facilitating access for UNRWA operations, including the delivery of humanitarian aid, can be seen as a way of contributing to the protection of refugees' economic and social rights, the OSO Programme does not include protection tasks which could have an impact on the protection of refugee children's civil and political rights. This is in contrast with the Refugee Affairs Programme - also known as "programme of general assistance and protection" - which was established during the first *intifada* to provide general protection to Palestinian refugees in the oPt. UNRWA's 1989/1990 Annual Report noted:

They [refugee affairs officers] facilitated Agency operations and assisted the refugee population in their day-to-day life. The refugee affairs officers also helped, by their presence, to lower tensions and to prevent maltreatment



<sup>107</sup>Aida refugee camp, Bethlehem. June 2001.  
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of the refugees, especially vulnerable groups such as women and children. They helped to evacuate the wounded, to reduce interference with ambulances and to obtain the release of refugee children.<sup>107</sup>

## Unfulfilled Protection Needs

Need assessments and solutions proposed by humanitarian agencies, including UNRWA, which do not consider adherence to the full range of applicable international law and obligations expected of the occupying power and third parties, may indirectly support and encourage the continuation of the illegal policies, which caused the problem in the first place. Where the protection needs of Palestinian refugee children are a consequence of policies which violate universal human rights standards and international humanitarian law, or the lack of durable solutions to their problem, increased funding and humanitarian assistance activities cannot solve the problem, unless they are linked to activities by agencies and states which enforce international law.

According to the UNRWA report accounting for the period between 1 July 2004 and 30 June 2005, UNRWA's 93 schools in the West Bank reported

1,939 lost teacher days. Gaza's 180 schools experienced overwhelming damage with 27,508 lost teacher days.<sup>108</sup> Lost school days due to Israeli restrictions of movement or military incursions added pressure to UNRWA's already strained school system. From the perspective of its students, they were deprived of a key dimension of quality education identified by UNESCO, i.e. a learning experiences which takes place in a physical and psycho-social environment that is safe, healthy and respectful of the dignity of the individual.<sup>109</sup>

Other examples of unfulfilled protection needs are those created by Israel's Wall in the occupied West Bank and the severe restrictions of movement in the oPt that amount to collective punishment. Not only is collective punishment prohibited by the Geneva Convention, but the International Court of Justice in 2004 also held that the Wall and its associated regime were illegal and violated the right to self-determination of the Palestinian people, and that Israel was under an obligation to cease the construction of the Wall, dismantle the sections already built and provide reparations.<sup>110</sup> The Wall and

other measures, such as house demolition during military incursions in the oPt, also create a new wave of internally displaced persons including both refugees and non-refugees.<sup>111</sup>

UNRWA's 2005 Emergency Appeal stated that many refugees in the West Bank and the Gaza Strip were no longer able to access health services due to restrictions of movement caused by the Wall and other measures. Assessments by UNRWA personnel indicated that the health status of women and children has significantly deteriorated during the last three years. UNRWA's Medium Term Plan pointed out that Palestinians residing in the Seam Zone – the area between the Green Line and the Wall – will continue to be isolated and cut off from UNRWA health services and concluded:

The construction of the Separation Barrier in the West Bank has exacerbated problems of mobility and access to basic services. According to OCHA, completion of the barrier will result in the isolation of approximately 274,000 Palestinians living in 122 communities between the barrier and the Green Line or fenced-in enclaves. Special arrangements need to be made to serve those who lose access to UNRWA primary health care facilities or need treatment at NGO hospitals in Jerusalem. Whether this is achieved by establishing additional health points or permanent facilities, both options require heavy investment in capital and recurrent costs and co-ordination with other care providers.<sup>112</sup>

Protection needs, which are a direct result of illegal measures by the occupying power - such as the construction of the Wall in the West Bank and general restriction of movement, illustrate the challenges posed to humanitarian assistance. Whereas lack of access to health services for their children may force residents, including refugees, to leave their homes and undergo further displacement, readiness to establish additional health services for humanitarian reasons may be counterproductive, because: (a) it relieves the occupying power of its responsibilities under international law; and, (b) contributes to the sustainability of illegal measures (e.g. the Wall).

In this context, the limitations of UNRWA's psycho-social interventions also become apparent. Recommendations that mental health and psychosocial support projects, which are currently implemented with emergency funding only, be integrated into the Agency's regular programs in all fields of UNRWA operations are reasonable and consistent with the World Health Organization's holistic definition of health. However, without a concerted international effort for a permanent solution of the Palestinian refugee question, the psychosocial well-being of Palestinian refugee children will continue to be compromised.

## 6. Conclusion

**A**gainst the background of international standards for the protection of refugee children, the precarious situation of Palestinian refugee children emerges. After the UNCCP ceased to operate in the early 1950s, no other international agency was explicitly mandated to protect the rights of Palestinian refugees including children, and no international agency was mandated to search for rights-based durable solutions. The Oslo process of the 1990s was based on the view that the solution to the problem of Palestinian refugees had to be found in bilateral political negotiations outside the

framework of international law. No international initiatives for the protection of Palestinian refugees and the search for durable solutions have followed the failure of these negotiations in 2000.

In this context, UNRWA and other humanitarian agencies fulfill an important albeit limited protective function for Palestinian refugee children. Humanitarian assistance provided by UNRWA allows for the minimum protection of their social, economic and cultural rights, whereas the Agency currently provides little meaningful protection of their civil and political rights and physical safety. Increased funding and institutional reform may solve some of the problems highlighted at the Agency's Geneva Conference [title] in June 2004, and the recent introduction of a rights-based approach to UNRWA's operations may increase their relevance for the protection of Palestinian refugee children.

Humanitarian assistance, however, cannot replace political measures to ensure respect for international law in the oPt and beyond as would be necessary to adequately protect the rights of Palestinian refugee children. As a matter of fact, states parties to the UN Convention to the Rights of the Child are under the legal obligation to ensure respect for the universal human rights of children, and the High Contracting Parties to the Fourth Geneva Convention are obliged to ensure respect for the provisions of the Convention. In addition to being a legal and moral obligation, effectively protecting Palestinian refugee children and providing them with hope and alternatives for a better future is a long-term investment in peace, security and stability in the region, and thus in the best interest of all parties involved in the conflict and its resolution.<sup>113</sup>



Refugee children of Jahalin Bedouin facing imminent displacement because of the wall. August 2006. © Anne Paq.

# 7. Recommendations

## To the international community and donors

1. Promote a permanent solution of the Israeli-Palestinian conflict, including the Palestinian refugee question, on the basis of international law and respect Palestinian refugees' right of return, restitution and compensation as the most effective way to ensure the protection of Palestinian refugee children.
2. Base efforts for a permanent solution on an enhanced temporary protection regime for Palestinian refugees according to regional agreements among the League of Arab States, and international refugee and human rights law, in particular the 1951 Refugee Convention, the Convention on the Rights of the Child and UNHCR standards.<sup>114</sup>
3. Hold Israel accountable for the repair of damages and losses incurred to Palestinian infrastructure in the oPt, including in refugee camps.
4. Increase UNRWA funding to prevent a further decline in the quality and quantity of services provided to Palestinian refugee children, in particular in the areas of education and health, and to facilitate the implementation of necessary reforms.
5. Immediately end the economic and political sanctions imposed on the elected Palestinian Authority government in the OPT, which have increased poverty among the local Palestinian population, including Palestinian refugees, and represent a blatant violation of the Palestinian people's right to self-determination.
6. Undertake measures, including boycott, divestment and campaigns for sanctions, in order to ensure Israel's compliance with international law, particularly in light of the International Court of Justice advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory and UN Resolutions ES-10/13 of 21 October 2003 and A/RES/ES-10/15 of 2 August 2004. .

## To international agencies, governmental and non-governmental organizations

1. Undertake action, including campaigns and legal action, which can pressurize Israel and third states to comply with their legal obligations and bring about a permanent solution of the Israeli-Palestinian conflict, including the Palestinian refugee question, in accordance with international law.
2. Intensify inter-agency consultations including UNRWA for the continued development of a consistent rights-based approach to humanitarian and development operations.

Such operations should be designed and implemented in a mode that encourages participation of the beneficiaries, including Palestinian refugee children, and compliance by the Occupying Power and States with their obligations under international humanitarian and human rights law. Assessment and progress reports by international organizations should be made public and sent to the relevant UN Special Rapporteurs and human rights committees, in particular the Committee on the Rights of the Child.

### **Selected recommendations by Palestinian refugee children in Lebanon**

There should be gender equality: Girls should go to school; boys and girls should share household tasks in order for girls to have time to study; girls should not marry at a young age. In order to address different types of discrimination (e.g. on the basis of age, gender, nationality) a programme should be established to raise awareness, promote non-discrimination and discuss proper means of conflict-resolution.

People should be educated people on the importance of freedom and its role in shaping community life by using historical examples. Freedom should be defined and acceptable ways of exercising it should be discussed. An example of the right to freedom is travelling, in particular travelling in order to meet Palestinian children scattered across the Middle East. Another example is “the right to a homeland in order to practice our rights”.

Institutions and organizations outside the [UNRWA] system, e.g. NGOs, should monitor schools. Teachers should acquire a good level of education, including training on the newly introduced curriculum and develop greater understanding of the situation of children. There should be follow-up on teachers' performances e.g. by parents' committees; teachers should be monitored in order to ensure that they do not threaten and beat students. There should be recreational activities at school.

3. Continue UNRWA's current efforts at bringing assistance and registration in line with international standards of gender non-discrimination and set-up an overdue mechanism to allow participation of its beneficiaries and NGOs in program design and implementation.

4. Enhance UNRWA's protection efforts, including publicity, legal aid, and diplomatic intervention, and make reference to the relevant legal instruments, in particular the Convention on the Rights of the Child.

5. Gather data, in cooperation with Palestinian refugees, on specific protection needs of Palestinian refugee children, in order to facilitate monitoring and assessment of progress in the implementation of international protection standards, in particular the Convention on the Rights of the Child.

6. Undertake activities to raise awareness about the special vulnerability of Palestinian refugee children and their rights under international humanitarian and human rights law, in particular refugee law and the Convention on the Rights of the Child.

1. Other persons of concern to UNHCR include asylum-seekers, returned refugees, internally displaced persons, returned internally displaced persons, and others. The proportion of refugee children is significantly lower in Asia and the Pacific (35%), Europe (23%) and the Americas (24%). *2005 Global Refugee Trends, Overview of Refugee Populations, New Arrivals, Durable Solutions, Asylum-Seekers, Stateless and Other Persons of Concern to UNHCR, 17 June 2006*. Geneva: UNHCR, Population and Geographical Data Section, Division of Operational Support, p. 3,7.
2. For more details see, *Survey of Palestinian Refugees and Displaced Persons 2004-05*. Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2006.
3. For more details see, *Ibid*, pp. 46-68.
4. Table 1.1, Estimates of population sizes for refugees and displaced in Jordan, according to refugee status, age and UNRWA registration, Marie Arneberg, *Living Conditions Among Palestinian Refugees and Displaced in Jordan*. Oslo: FAFO – Institute for Applied Social Science, 1997, p. 15.
5. Table 6, Selected health-status indicators for Palestine Refugees, *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, June 2005*, p. 73.
6. *Closing Protection Gaps: A Handbook on Protection of Palestinian Refugees in States Signatories to the 1951 Refugee Convention*. Elna Sondergaard Ed., Bethlehem: BADIL Resource Center, 2005, p. 42.
7. Questions and Answers. History and Establishment of UNRWA. [www.unrwa.org](http://www.unrwa.org).
8. See, Concluding Observations of the Committee on the Rights of the Child: Jordan. CRC/C/15/Add.125. 2 June 2000; Syrian Arab Republic. CRC/C/15/Add.212. 10 July 2003; Lebanon. CRC/C/LEB/CO/3 2 June 2006. Lebanon. CRC/C/15/Add.169. 21 March 2002; Israel. CRC/C/15/Add.195. 9 October 2002.
9. World Health Organization (WHO). Fifty-Ninth World Health Assembly, *Report of the Acting Director of Health, UNRWA, for 2005*. Provisional agenda item 13 A59/INF.DOC./1. 11 May 2006.
10. See, e.g., Riccardo Bocco, et. al. *The Role of International & Local Aid During the Second Intifada, Report VII, An Analysis of Palestinian Public Opinion in the West Bank and the Gaza Strip on their Living Conditions (August 2003 – February 2004)*. Geneva: Graduate Institute of Development Studies, University of Geneva, September 2004, pp. 227-229.
11. See the discussion paper of Working Group I: *Promoting the Well-being of the Palestine Refugee Child*, at UNRWA's Geneva Conference, 7- 8 June 2004. Available at: [www.un.org/unrwa/genevaconference/english/wg1\\_dp6.may04.pdf](http://www.un.org/unrwa/genevaconference/english/wg1_dp6.may04.pdf). The Working Group focused on four specific topics: Protection of the Refugee Child; Refugee Children's Opportunity to Quality Education; Health of Refugee Children; and Refugee Children's Psychosocial Well-being. Discussions were carried out on the basis of background papers submitted by UNESCO (education), UNICEF (protection), the Italian Cooperation (health) and the Secretariat for the National Plan of Action for Palestinian Children (psychosocial well-being).
12. This section is based on Lex Takkenberg, *The Status of Palestinian Refugees in International Law*. Oxford: Clarendon Press, 1998; and, the outline of a presentation by the same author to,

- Closing the Gaps: From Protection to Durable Solutions for Palestinian Refugees*. BADIL Expert Forum hosted by the al-Ahram Center for Strategic and Political Studies, Cairo, 5-8 March 2004. The summary is available on the BADIL website: <http://www.badil.org>.
13. Algeria, Djibouti, Egypt, Mauritania, Morocco, Somalia, Sudan, Tunisia and Yemen are signatories but host only small numbers of Palestinian refugees. Israel is a signatory of the 1951 Refugee Convention.
  14. Article 25(2), Universal Declaration of Human Rights, G.A. Res. 217A, U.N. GAOR, 3d Sess., at 71, U.N. Doc. No. A/810 (1948).
  15. *See, e.g.*, Executive Committee Conclusion No. 47 (XXXVIII), 'Refugee Children' (1987); Executive Committee Conclusion No. 59 (XL), 'Refugee Children' (1989); and, Executive Committee Conclusion No. 84 (XLVIII), 'Refugee Children and Adolescents' (1997).
  16. UNHCR Global Consultations, An Agenda for Protection, available at: <http://www.unhcr.ch/cgi-bin/texis/vtx/global-consultations>.
  17. *Supra*, note 8.
  18. Fourth Geneva Convention. *Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, 12 August 1949, Article 50.
  19. Fourth Geneva Convention. *Protocol I*. 1977, Article 77.
  20. *Ibid*.
  21. United Nations-Convention on the Rights of the Child, 20 November 1989, Part 1, Article 2.
  22. *Ibid*. at article 12.
  23. *Ibid*.
  24. Concluding observations of the Committee on the Rights of the Child : Israel. 09/10/2002. CRC/C/15/Add.195, 9 October 2002.
  25. *Report of the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East*, 1 July 2004-30 June 2005. Supplement No 13 (A/60/13), para. 38.
  26. Cairo Arafat, *A Psychosocial Assessment of Palestinian Children*, July 2003. Director of the Secretariat for the National Plan of Action for Palestinian Children. In consultation with Dr. Neil Boothby, Professor of Public Health, Columbia University, Senior Advisor, Save the Children US, July 2003, p. 5
  27. In April and May 2001, the Coordination Forum of the NGOs Working among the Palestinian Community (*the Forum*) in Lebanon involved Palestinian refugee children in the preparation of the alternative report for submission to the Committee on the Rights of the Child in Geneva. Within the framework of the project, three human rights workshops were organized in which 57 refugee children and adolescents took part; of the 35 girls and 22 boys participating, 53 were aged 9-17; 3 youths were aged 18; and one boy was 6 years old. Information on this project was gathered from the Second Supplementary Report of the Coordination Forum of the NGOs Working among the Palestinian Community on Rights of the Palestinian Child in Lebanon, Beirut, 2001, pp. 28-39.
  28. *Refugee Children - Guidelines on Protection and Care*, Geneva: UNHCR, 1994, p. 40.
  29. Cairo Arafat, *Refugee Children's Psycho-social Well-being – Challenge for Future Development*. UNRWA Conference, Geneva 7-8 June 2004.
  30. *Supra*, note 27.
  31. Adnan Abdul-Rahim and Hala Salem Abuateya, "Palestinian Refugee Children and Caregivers

- in Syria,” *Children of Palestine, Experiencing Forced Migration in the Middle East*. Dawn Chatty & Gillian Lewando Hundt (eds.). Oxford: Berghahn Books, 2005, p. 66.
23. UNICEF - Occupied Palestinian Territory. *Donor Update*, 10 November 2004.
  33. Bisan Center for Research and Development, “Who We Are,” Youth in the Refugee Camps of the Northern West Bank. Ramallah, Palestine. 2004, p. 64.
  34. *Supra*, note 27.
  35. Bassam Serhan and Samia Tabari, *Palestinian Refugee Children and Caregivers in Lebanon, Children of Palestine, Experiencing Forced Migration in the Middle East*, Dawn Chatty & Gillian Lewando Hundt (eds). Oxford: Berghahn Books, 2005, p.43.
  36. Amnesty International. *Lebanon - Economic and Social Rights of Palestinian Refugees*. Submission to the Committee on the Elimination of Racial Discrimination. MDE 18/017/2003, 23 December 2003.
  37. *See Supra*, note 35.
  38. *Supra*, note 8.
  39. Concluding Observations of the Committee on Economic, Social and Cultural Rights. Israel. 04/12/98. E/C.12/1/Add.27.
  40. *Supra*, note 35, p. 45.
  41. *Supra*, note 21. Article 28.
  42. *Ibid*.
  43. *Supra*, note 27, p. 54.
  44. *Supra*, note 26.
  45. *Supra*, note 28, p. 109.
  46. Suhail Natur, “Palestinians in Lebanon and Right to Work, Amendment to Allow More Refugees Access to Employment,” *al-Majdal*, Issue (No. 27), Autumn 2005.
  47. *Supra*, note 35, p. 53.
  48. Also *see*, Salah al-Zaroo, “Palestinian Refugee Children and Caregivers in the West Bank,” *Children of Palestine, Experiencing Forced Migration in the Middle East*. Dawn Chatty & Gillian Lewando Hundt (eds.). Oxford: Berghahn Books, 2005, p. 142.
  49. *Supra*, note 35, p. 44.
  50. *Supra*, note 8.
  51. *Supra*, note 21. Article 27.
  52. Al-Haq, *Monitoring and Documentation Field Report*. Ramallah: Al Haq, April-June 2006.
  53. *Supra*, note 2, p. 90.
  54. UNICEF: Occupied Palestinian Territory, *Donor Update*. 12 June 2006.
  55. Mia Grondahl. *I Miss My House and My Pink Dress, Palestinian Children's Voices*. Save the Children Sweden, 2004, p. 7.
  56. *Ibid*, p. 5.
  57. *Supra*, note 8.
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  59. *See*, Conclusions and Recommendations of the Committee against Torture. Israel. CAT/C/XXVII/Concl.5, 23 November 2001.
  60. *Supra*, note 39.
  61. *Supra*, note 27.
  62. *Supra*, note 8.
  63. *Supra*, note 21. Article 37.

64. *Supra*, note 29.
65. *Supra*, note 2, p. 99.
66. Birzeit University Study, Summer 2004. Available at: [http://www.unicef.org/oPt/children\\_215.html](http://www.unicef.org/oPt/children_215.html)
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81. Committee on the Elimination of Racial Discrimination. UN Report, 52nd Session. Supp # 18 (A/52/18), 1997, p 6.
82. United Nations General Assembly. Resolution 1285, 5 December 1958.
83. *Handbook, Voluntary Repatriation: International Protection*, UNHCR, Geneva (1996), p. 11.
84. *Ibid*.
85. *Supra*, note 12, p. 318.
86. United Nations General Assembly Resolution 194. Progress Report of the United Nations Mediator Creation of a Conclusion Commission, 11 December 1948.
87. United Nations Security Council Resolution 237, 14 June 1967.
88. *See supra*, note 28.
89. *Supra*, note 83, p. 12.
90. *Second Class, Discrimination against Palestinian Arab Children in Israel's Schools*. New York: Human Rights Watch, 2001, pp. 79-94. In 2001, the Follow-up Committee for Arab Education estimated that the Arab schools needed 2,500 additional classrooms.
91. Letters from Human Rights Watch to Israeli Cabinet Members. August, 2004. <http://hrw.org/english/docs/2004/08/12/isrlpa9228.htm>
92. *Supra*, note 28, p. 112.
93. *Supra*, note 8.
94. *Supra*, note 5. p. 113.
95. *Supra*, note 90, pp. 144-159.
96. *Supra*, note 39.

97. *Supra*, note 8.
98. *Supra*, note 5, p. 28.
99. Message of UN Secretary General Kofi Annan to the Geneva Conference (7-8 June 2004). See, [http://www.un.org/unrwa/genevaconference/press/kofi\\_annan.html](http://www.un.org/unrwa/genevaconference/press/kofi_annan.html).
100. *Supra*, note 12, p. 301.
101. Recent examples illustrate the extent to which erosion of donor support has affected UNRWA's regular budget as well as its emergency programmes in the OPT. From the start of the strife in October 2000 UNRWA has been appealing to the donor community to fund its emergency operations in the West Bank and Gaza Strip. From October 2000 until December 2004, a total of \$433.3 million had been pledged to the Agency, less than two-thirds of the amount requested. In December 2004 UNRWA launched an appeal for US\$186 million to cover the cost of its emergency activities in 2005. Projections of income and expenditure for 2005 indicated a financing gap of \$13.1 million when comparing the net budgeted expenditure of \$367.6 million with total expected income of \$354.5 million in September of 2005. <http://www.un.org/unrwa/finances/index.html>
102. *UNRWA, A Better Future for Palestinian Refugees, Medium Term Plan 2005-2009*. p. 19.
103. *Supra*, note 21. Art. 29(1)(d).
104. According to the US Embassy in Jordan, the US has funded Curriculum Enhancement Pilot Projects in the West Bank and Gaza with \$840,000. See [www.usembassy-amman.org.jo/Refugees/Contrib.htm](http://www.usembassy-amman.org.jo/Refugees/Contrib.htm).
105. Under Security Council Resolution 605, the Secretary General was asked to submit recommendations on ways and means to ensuring the safety and protection of Palestinian civilians under Israeli occupation. The Secretary General recommended four mechanisms: physical protection, legal protection, general assistance and protection through publicity. *Supra*, note 12, p. 285.
106. UNRW Press Release. No. HQ/G/19/2004. 2 June 2004. Available at: <http://www.un.org/unrwa/news/releases/pr-2004/hqg19-04.pdf>
107. As quoted in Takkenberg, *supra* note 12, p. 289
108. *Supra*, note 5. paras. 235-236.
109. Ronald G. Sultana. *Refugee Children's Opportunity to Quality Education*. Report prepared for UNESCO [Publisher and date unknown].
110. International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, paras. 119-120, 151, 153.
111. See *Displaced by the Wall, Forced Displacement as a Result of the West Bank Wall and its Associated Regime*, Bethlehem: Badil Resource Center and the Internal Displacement Monitoring Centre, September 2006.
112. Draft Medium Term Plan. Health Programme, para. 2.15. Available at: [www.un.org/unrwa/genevaconference](http://www.un.org/unrwa/genevaconference).
113. See also *Supra*, note 11.
114. Susan M. Akram and Terry Rempel, "Temporary Protection as an Instrument for Implementing the Right of Return for Palestinian Refugees," *Boston University International Journal of Law*, Vol. 22 (No. 1), Spring 2004.

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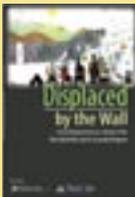
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Children of 'Aida refugee camp, Bethlehem, 2006 © Anne Paq.

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Badil, June 2006.



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Badil, August 2005.



"There are no place to play. We play in the streets; in our homes or on the roofs. We do not have a lot of toys so we play with anything. We play Hajala ; hide and seek, play with kites. We play football. We play basketball with bottomless buckets. We play volley-ball at the school or in Dheisheh refugee camp. We play tag, clapping games, skipping rope and waqa'a Al -Harb."

© Photo taken by Palestinian refugee child, Mahmoud. 'Aida camp, al-Rowwad, 2006 ([www.amis-alrowwad.org](http://www.amis-alrowwad.org)).