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Children and armed conflict

Report of the Secretary-General

I. Introduction

1. The present report, which covers the period from January to December 2010 (as well as some developments that have extended beyond the reporting period), is submitted pursuant to presidential statement S/PRST/2010/10 of 16 June 2010, by which the Council requested me to submit a report on the implementation of its resolutions 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005) and 1882 (2009), as well as its presidential statements on children and armed conflict.

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IV. Information on grave violations committed against children in armed conflict

A. Information on grave violations against children in situations on the agenda of the Security Council

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Developments in Lebanon

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102. The impact of ongoing political volatility, acute socio-economic inequities, significant school dropout rates and high youth unemployment among Palestine refugees in comparison to the host population also constitute major risk factors for the increased association of children with political armed violence, or with violent extremism in some Palestinian camps. It should be noted that significant amendments to the Labour Code and the Social Security Law adopted by the Lebanese Parliament in 2010 aimed at improving access to the private sector labour market by Palestinian refugees in Lebanon.

103. On a positive note, 9 out of the 12 children detained on national security grounds, some held owing to their alleged association with Fatah al-Islam, as reported in my last report, were released this year. Two of the detainees turned 18 during the year and were transferred to adult facilities.

104. The presence of cluster munitions used by Israel during the war in 2006 continues to pose a serious danger to the civilian population living near contaminated areas. Since the end of the conflict in August 2006, the number of incidents among civilians has reached 347, including 44 fatalities and 303 injuries, among them 102 children.

105. There are also ongoing threats related to landmines and unexploded ordnance, with 17 civilian casualties recorded during the reporting period. This includes the killing of one child and the maiming of three others in a single incident in a Palestinian camp in Beddawi (northern Lebanon), which is currently being investigated by the Lebanese Mine Action Centre. On 17 August, the Lebanese Parliament ratified the Convention on Cluster Munitions.

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Developments in the Occupied Palestinian Territory and Israel

120. Eleven Palestinian children were killed and 360 injured (342 boys and 18 girls) in the Occupied Palestinian Territory, including East Jerusalem, in incidents related to the armed conflict. Of the 360 children injured, 58 were under the age of 12; 83 per cent of the injuries occurred in the West Bank, including East Jerusalem, and 17 per cent in Gaza; 302 children were injured by the Israeli security forces, 40 by Israeli settlers, 11 by unexploded ordnance, and 2 by unidentified perpetrators. In addition, five children were injured by mishandling weapons and explosives, including one incident allegedly related to interfactional fighting by Palestinian armed groups. No Israeli children were killed in 2010 as a result of the conflict, but two were injured, including one as a result of a rocket from the Gaza Strip on 21 December launched by an unidentified Palestinian armed group.

121. There are serious concerns regarding the increasing number of civilians, including children, shot and injured in the so-called Gaza buffer zone imposed by Israel, which covers the area up to 300 metres from the Gaza fence. The exact boundaries of the zone are unclear, given that it is not physically delimited, but is known to be an area where there are clashes between militants and the Israeli security forces. In May 2009, the Israeli Army made a statement indicating that any individual entering the zone would be endangering his or her life. However, Palestinians continue to collect gravel and scrap metal in abandoned settlements and industrial zones near the fence, which they later sell to support their families. In 2010, 40 boys and 4 girls were allegedly injured by Israeli fire in or near the buffer zone. Of those, 26 boys, some as young as 13, were shot while collecting gravel within 800 metres of the fence. In cases where sworn affidavits were taken, 19 children were

shot in the leg, 2 in the arm and 1 child was shot in the head.

122. For the third consecutive year, the use of Palestinian children as human shields by Israeli security forces was reported, with three new cases documented in three separate incidents in the West Bank in 2010. A 16-year-old girl and a 13-year-old boy were used as human shields during house searches in two separate incidents in Nablus, and a 14-year-old boy was forced to walk in front of Israeli soldiers as a shield while stones were being thrown at them during clashes in Hebron. In the first prosecution of its kind, on 11 March 2010, two soldiers were charged with using a boy as a human shield during "Operation Cast Lead". The soldiers were convicted by an Israeli military court on 3 October 2010 for "inappropriate behaviour" and "overstepping authority". They were demoted from the rank of staff sergeant to sergeant and given three-month suspended prison sentences. To date, the measures taken by the Israeli security forces to prevent and punish the use of children as human shields have not reflected the gravity of such conduct.

123. As of December 2010, 213 Palestinian children between the ages of 12 and 17 were in Israeli detention or imprisoned by the Israeli security forces, including one girl on conflict-related charges. Two Palestinian children were held in administrative detention without charge or trial in 2010, including one boy having been detained for over 10 months. Of particular concern is the sharp increase in the last quarter of 2010 in the documented cases of arrest of young children in the Silwan neighbourhood of East Jerusalem. There are also increasing reports of violence and mistreatment of children by Israeli soldiers during patrols in Silwan, as well as during the arrest, transfer to detention and interrogation of children from East Jerusalem. According to Israeli police figures, 1,267 criminal files were opened against children accused of throwing stones in East Jerusalem between October 2009 and October 2010.

124. In 2010, 90 cases of ill treatment with regard to the treatment of Palestinian children in Israeli detention were documented by the United Nations and its partners, including through the sworn affidavits of children. Twenty-four of these children were below the age of 15, including two 10-year olds and one 7-year old. In more than 75 of these cases the excessive or extended use of hand-ties and blindfolds were reported, 62 children reported being beaten, 35 children reported position abuse and 16 children were kept in solitary confinement. In three cases, children reported the use of electric shocks on their bodies and four reported being threatened with electric shocks in the course of their interrogation, which resulted in confessions made under duress. Particularly concerning was the fact that there was an increase in documented cases of sexual violence, with 14 cases (13 boys and 1 girl) in 2010 compared to 9 cases (8 boys and 1 girl) in 2009. The cases involved threats of sexual violence (13 cases) and 1 actual sexual assault through the use of electrical cables on genitals. The high number of instances of such treatment reported and documented suggests that ill treatment of children is common in the Israeli military justice system. There is evidence that some children do not report incidents of ill treatment while in custody, owing to concerns about repercussions for making such complaints, and doubts about the effectiveness of the complaints process.

125. One case of ill treatment of a Palestinian boy by the Palestinian Preventive Security Force was also reported and documented in 2010. The case refers to an incident involving an alleged association with Hamas. The boy was threatened and beaten for the purposes of obtaining a confession. He was released after having been detained in solitary confinement for eight days after having been denied access to a lawyer or to presentation before a judge.

126. There was an increase in the number of attacks on schools and education facilities by Israeli security forces and settlers in 2010 (20 cases), compared to 2009 (9 cases). These attacks resulted in damage to schools or interruption of education, placing the safety of the children in Gaza and the West Bank at risk. The majority of cases involved the presence of Israeli security forces within school compounds following raids, forceful entry, and search and arrest operations, including the use of tear gas on students. There were also three incidents involving air strikes and shelling by Israeli security forces that resulted in damage to four schools in Gaza, although schools did not appear to have been directly targeted in these incidents. There was also an increasing number of incidents in 2010 in which Palestinian students were prevented from accessing schools and had their safety compromised by Israeli security forces. Thirty-six such incidents were documented in the West Bank in 2010, purportedly involving security measures such as road closures searches, harassment or assaults at checkpoints by Israeli authorities and settlers. In other cases, children were exposed to settler violence as Israeli authorities did not provide military escorts to protect children who pass near historically violent settlements and outposts in the West Bank, particularly Hebron. In this regard, the Israeli authorities have not yet responded to the request of my Special Representative for Children and Armed Conflict in February 2009 to investigate the 2008 attack by Israeli settlers of children on their way to the Al-Tuwani School outside Hebron. Furthermore, they have failed to address the broader issue of settler violence against Palestinian children. In addition, the blockade on the Gaza Strip impacts on the availability, accessibility and quality of education in Gaza. Though the situation has improved since the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) commenced building 20 new schools after certain restrictions were lifted, UNRWA was unable to deliver education to a number of Palestinian refugee children owing to a shortage of school space resulting from the restriction on the importation of construction materials to rebuild schools destroyed or damaged during "Operation Cast Lead". Those children are therefore attending Palestinian Authority schools.

127. In 2010, Palestinian armed groups were responsible for eight incidents related to access to education, including two attacks on UNRWA summer schools in Gaza and one incident of a rocket that was fired into Israel and landed near a kindergarten in Ashkelon. Of particular concern was the attack in May on UNRWA summer camps located in Gaza by masked assailants. The attack and intimidation against UNRWA officials, for which no group has claimed responsibility, was apparently intended to have a negative effect on the attendance of the quarter million boys and girls who participated in those summer camps.

128. On 20 June 2010, the Israeli Security Cabinet declared the easing of the Gaza blockade, particularly pertaining to civilian goods and humanitarian access. While this has resulted in some improvement in the entry of construction materials, it amounts to only a fraction of what is needed to meet the humanitarian needs of the population of Gaza. Gaza's health-care system also suffers from a severe lack of adequate equipment and instruments. As a result, patients must seek treatment outside of Gaza. From January to November 2010, while 3,546 out of 3,851 (92 per cent) applications for children who sought medical assistance outside of Gaza were approved, 294 applications were delayed and 11 were denied. Both the delays and denials in processing applications can be life-threatening to child patients who are waiting for urgent medical treatment. Four children, all under the age of 3, died while waiting for the appropriate permits to travel outside of Gaza in 2010.

129. Forced displacement continues to affect the lives of hundreds of Palestinian families. More than 431 Palestinian structures were demolished in 2010 in the West Bank (including Area C and East Jerusalem), including 137 residential structures, leaving homeless at least 594 people, 299 of them children.

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