



## **General Assembly**

Distr.  
GENERAL

A/63/785  
S/2009/158  
26 March 2009

Original: English

General Assembly  
Sixty-third session  
Agenda item 60 (a)  
Promotion and protection of the rights of children

Security Council  
Sixty-third year

### **Children and armed conflict**

#### **Report of the Secretary-General**

#### **I. Introduction**

1. The present report is submitted pursuant to Security Council presidential statement (S/PRST/2008/6), by which the Council requested me to submit a report on the implementation of its resolutions 1612 (2005), 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003) and 1539 (2004) on children and armed conflict. The report includes information on compliance with applicable international law to end the recruitment and use of children in armed conflict and other grave violations being committed against children affected by armed conflict;<sup>1</sup> information on progress made in the implementation of the monitoring and reporting mechanism and action plans to halt the recruitment and use of children, as well as progress made in mainstreaming children and armed conflict issues in United Nations peacekeeping and political missions; and a brief summary of the conclusions of the Security Council Working Group on Children and Armed Conflict, and of its progress.

/...

#### **A. Information on compliance and progress in situations on the agenda of the Security Council**

/...

#### **Developments in the Occupied Palestinian Territory and Israel**

83. A total of 112 Palestinian children were killed in the reporting period up to 26 December 2008 in the Occupied Palestinian Territory, and a further 431 children were killed during the hostilities from 27 December 2008 to 18 January 2009. Of the total 543 children killed, 96 per cent of deaths were as a result of Israeli Defense Forces (IDF) operations and 4 per cent were because of factional violence. The majority of deaths occurred in Gaza. The main causes for the killings included shootings during IDF raids, Israeli search and arrest campaigns, IDF launched ground-to-ground and Israeli Air Force missile strikes, tank shells fired in the course of IDF ground operations, aerial bombardments and a few cases of shootings at crossings as children approached IDF checkpoints. Children were also killed during armed clashes resulting from Palestinian factional violence.

84. A total of 581 Palestinian children were injured in the reporting period up to 26 December 2008 in the Occupied Palestinian Territory, with 71 per cent of the injuries occurring in the West Bank. From 27 December 2008 to 18 January 2009, an additional 1,871 children were injured in Gaza. The main causes of injuries included shelling and aerial bombardment by IDF, rubber-coated metal bullets fired by IDF at protestors during demonstrations, IDF military operations, including search and arrest campaigns, military incursions, and assaults by Israeli settlers. During her visit to Israel in April 2007, my Special Representative raised with the Israeli authorities the issue of the frequency of settler attacks on Palestinian children in Hebron and al-Tuwani village and the need for effective law enforcement and accountability. The Government committed to fully investigate the cases; however, the outcome of these investigations is pending. Approximately 35 children have also been injured during armed clashes as the result of Palestinian factional violence.

85. Four Israeli children were killed by a Palestinian gunman in an attack on a Jewish seminary in West Jerusalem. In addition, 15 Israeli children were injured, mainly as a result of rockets fired from the Gaza Strip towards Israel and stone throwing.

86. While there have been reported incidents of children being trained and/or used by Palestinian militant groups in Gaza, community members are reluctant to provide information on cases of children used by armed forces or armed groups for fear of reprisals. Significant progress has been made towards the implementation of an informal monitoring system on child rights violations.

87. There are concerns that Hamas reportedly used children as shields and may have used schools and hospitals or areas in their proximity to launch rockets into Israel during the December 2008 and January 2009 hostilities. These concerns must be further investigated.

88. On 15 January, in Tal al-Hawa, south-west of Gaza City, an 11-year-old boy was made to accompany IDF for a number of hours during a period of intense operations. As the soldiers entered the Palestinian Red Crescent Society building, the boy was made to enter first, in front of the soldiers. While moving through the town the boy was made to walk in front of the group, even when the IDF soldiers met with resistance and were fired upon. On arrival at Al-Quds Hospital, the boy

remained in front of the soldiers, but then was subsequently released. This appears to be in direct contravention of a 2005 Israeli High Court ruling on the illegality of the use of human shields.

89. Continued raids and use of schools by IDF and Israeli settlers have resulted in damage to property, but, more significantly, they have resulted in the injury and death of students and teachers. A total of 27 incidents of raids by IDF soldiers and Israeli settlers attacking both governmental and United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) schools and students have been reported. During the hostilities in December 2008 and January 2009, 7 schools were destroyed and 157 government schools were damaged in Gaza. A total of 36 UNRWA schools were lightly damaged. Further, 14 hospitals and 38 clinics were damaged or destroyed. A total of eight UNRWA health facilities were lightly damaged.

90. A total of nine schools and kindergartens in Sderot, Be'er Sheva, Ashdod, Ashkelon and Kiryat HaHinoch were hit and damaged by Qassam and Grad rockets launched by Hamas during the December 2008 and January 2009 hostilities.

91. Humanitarian access to Gaza was severely strained through much of the reporting period, but deteriorated further with the onset of the December 2008 and January 2009 hostilities. While Israel kept one crossing open at partial capacity during that period of hostilities, key crossings remained closed and movement within the Gaza Strip was severely restricted. In both the West Bank and Gaza, the lives of children continue to be put at risk because of difficulties in accessing specialized medical services in East Jerusalem as a result of border restrictions and applications for permits to cross checkpoints. While children often receive permits, their parents frequently do not and as a result they are unable to access medical treatment. A total of 13 children are known to have died in Gaza in the reporting period after Israeli authorities denied access to specialized medical services in Israel.

92. The arrest of children by Israeli military authorities and their detention continue to be significant concerns. Children are arrested and sentenced on a range of charges, including throwing stones at the barrier or at Israeli security forces, demonstrations against the occupation, and violence against security forces. At any given point during the reporting period, between 281 and 337 Palestinian children were being held in Israeli prisons and detention centres, including children as young as 12 years, in violation of international humanitarian law. Approximately eight girls were detained and serving terms of imprisonment. Reports indicate that due process was systematically violated throughout the stages that led children into detention, including arrest, interrogation, trial and sentencing. Statements taken from 21 children who had been arrested and detained indicate that children continued to be subjected to abuse, including beatings, blindfolding, solitary confinement, forced confessions in a language they do not read or write, food being withheld, yelling and insults, and exposure to loud noises. Upon release, a number of children reported that they had been approached to provide information on behalf of the Israeli intelligence service.

93. Further, between 8 and 15 children were being held in administrative detention at any given point during the reporting period. Children can be detained in administrative detention for up to six months without charge or trial on the basis of information of which neither the detainees nor their legal representatives are advised. The administrative detention of two girls aged 16 years, with no charges made against them, was reported. That was the first reported incident of girls in administrative detention recorded by the United Nations. The girls have since been released.

94. Approximately 1,369 Palestinians were forcibly displaced or affected as a result of home demolitions of 192 Palestinian-occupied residential structures in Gaza and the West Bank, including East Jerusalem, by Israeli forces. A confirmed 440 children and an additional estimated 194 children were impacted. The December 2008 and January 2009 hostilities resulted in a dramatic increase in home demolitions, with at least 112 demolished homes, affecting hundreds of children.

/...

<sup>1</sup>Applicable international law relating to the rights and protection of children in armed conflict include, in particular, the Geneva Conventions of 1949 and obligations applicable under the Additional Protocols thereto of 1977, the Convention on the Rights of the Child of 1989, the Optional Protocol thereto of 25 May 2000, and the amended Protocol II to the Convention on Prohibitions or Restriction on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, International Labour Organization Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, and the Convention on Cluster Munitions.