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## Human Rights Council

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Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories**

### **Written statement\* submitted by Institute for NGO Research, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[27 August 2019]

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\* Issued as received, in the language(s) of submission only.



## **Combatting recruitment and use of child soldiers while promoting the rights to freedom of peaceful Assembly and Association**

In his 2019 report to the Council, the Special Rapporteur recognizes the role technology plays in contributing to the rights to freedom of peaceful assembly and association. In his report, he further recognizes the tension between state based anti-terrorism measures and guaranteeing these rights, stating “Although the Special Rapporteur is aware that States have an interest in protecting national security and public safety, which are legitimate grounds for restricting freedom of association and assembly, these laws often are drafted in ways that give opportunities for abuse.”

While it is indeed important to recognize the potential for abuse when anti-terrorism measures are broadly defined, it is also imperative for the Special Rapporteur to consider the effect that incitement and a lack of counter terror measures might have on children.

For example, the violence along the Israel-Gaza border demonstrates the failure to address incitement of children and the resulting recruitment and use of children as soldiers. The Human Rights Council’s continually reference to this violence as “peaceful protests” and “freedom of expression” further enables these actors to use children to commit violent acts.

Since March 2018, Hamas has organized hundreds of thousands of individuals to amass along the Israel border with Gaza and carry out violent attacks. This military campaign, disguised as “peaceful protests,” is not only intended to attack Israeli military installations and abduct IDF soldiers, but it is also intended to terrorize, to cause wanton destruction, and to inflict bodily harm to Israeli civilians, including children. Civilians living in the “Gaza envelope” (communities that abut the border) have been particularly hard hit.

One of the most egregious violations committed by Palestinian armed groups in this context has been the recruitment of children for these attacks. Hamas, Islamic Jihad, the PFLP, and others encourage children, as young as 7, to carry out acts of violence or serve as cover for such acts along the border fence in hopes that they will be injured or killed, cynically providing Palestinian leaders with a macabre PR victory.<sup>1</sup> This abuse occurs in several ways:

- Recruiting and using children to participate in the hostilities, including using them as decoys along the border fence, using them to bait IDF soldiers into the range of Palestinian snipers, launching incendiary devices, throwing stones, burning tires, or employing them to destroy the border fence;
- Exposing Palestinian children to a culture of violence and incitement;
- Allowing children to be present at the border violence, thus placing them in grave danger.

For example, on March 25, 2018, Hamas sent a 7-year-old girl to the Gaza security fence during the protests. The IDF thankfully ensured she was safely returned to her parents.<sup>2</sup> Photos taken throughout July and August show children making and launching incendiary balloons from Gaza into Israel attached with IEDs.<sup>3</sup> These balloons not only put Palestinian children at risk, but were designed to appeal to Israeli children who might find such balloons. On July 25, the IDF explained that an incident of “deadly violence” began with a “bait” riot staged by children, intended to lure Israeli soldiers into Hamas and other

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<sup>1</sup> Yoav Zitun, “Lieberman: Hamas heads to blame for death of Palestinian teen,” YNet,” April 21, 2018: <https://www.ynetnews.com/articles/0,7340,L-5236527,00.html>

<sup>2</sup> Judah Ari Gross, “IDF: Hamas cynically sent a 7-year-old girl to breach Gaza border,” Times of Israel, March 30, 2018: <https://www.timesofisrael.com/idf-hamas-cynically-sent-7-year-old-girl-to-breach-gaza-border/>

<sup>3</sup> Joe Truzmah (@Jtruzmah), “Children making and launching incendiary balloons from #Gaza into #Israel,” July 9, 2018: <https://twitter.com/Jtruzmah/status/1016242874042572801>

terror groups' sniper range.<sup>4</sup> In September, videos surfaced of Palestinian children attempting cut the border fence and light tires to create a smoke screen to facilitate Palestinian armed infiltrations into Israeli territory.<sup>5</sup>

Furthermore, in the midst of the border attacks, Hamas also held "summer camps" for Palestinian children to indoctrinate and provide military training:

Most of the activity is devoted to basic military training. The youths are trained by instructors wearing uniforms bearing the insignia and badges of Hamas's Izz al-Din alQassam Brigades. In addition to summer camps held in Hamas facilities, summer camps are held in schools throughout the Gaza Strip. Most of them are organized by Hamas on a wider scale (tens of thousands of participants). The summer camps in schools are also devoted primarily to military training and ideological indoctrination by Hamas.<sup>6</sup>

The UN and non-governmental organizations (NGOs) have almost entirely ignored these abuses, despite these and countless other examples of recruitment and use of children by Palestinian armed groups. On August 1, 2018, "Humanitarian Coordinator in the occupied Palestinian territory" Jamie McGoldrick, head of the "UN Office of the High Commissioner for Human Rights (OHCHR) in oPt" James Heenan, and "UNICEF Special Representative in State of Palestine" Genevieve Boutin issued a statement regarding the violence along the Israel-Gaza border. While the statement does note concern for "last week's call by the organizing committee for 'The Great March of Return' for Palestinians to demonstrate under the banner of 'the Friday of our Child Martyrs,' and the reported exposure of children to violence," the UN officials failed to hold Hamas or other armed groups accountable.<sup>7</sup> UNICEF's situation reports during this period ignore the issue of recruitment and use.<sup>8</sup>

As the Special Rapporteur on the rights to freedom of peaceful assembly and of association, we hope that you will recognize the tragedy of recruitment and use of children and recommend best practices for states to combat this grave violation while ensuring rights to freedom of peaceful assembly, association, and peace. We can only hope that the UNHRC, OHCHR, UNICEF, and Palestinian actors will decide at some point to do the same.

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<sup>4</sup> Yoav Zitun, Elior Levy, and Elana Curiel, "IDF: Children used in 'trap' terror attack before deadly Gaza border violence," YNet, July 25, 2018: <https://www.ynetnews.com/articles/0,7340,L-5317024,00.html>

<sup>5</sup> Joe Truzmah (@Jtruzmah), "Seeing children at the #Gaza border has become a common sight I'm afraid. I come across it a lot in the work I do. This was taken several days ago. A child attempting to light a tire on fire that's wedged in the razor wire at the border," September 25, 2018: <https://twitter.com/Jtruzmah/status/1044815148433756164>; StandWithUs (@StandWithUs), "Children (!!!) at the #Gaza border cutting the fence in the midst of Gaza riots near Beit Lahia yesterday. The trend of #Palestinian child endangerment continues. This is #NoWayToTreatAChild! H/t @Jtruzmah," September 25, 2018: <https://twitter.com/StandWithUs/status/1044738320436203526>

<sup>6</sup> Meir Amit Intelligence and Terrorism Information Center, "As part of the Hamas summer camps, children and youths undergo military and paramilitary training at the military wing's outposts and facilities," Aug 9, 2018: <https://www.terrorism-info.org.il/en/part-hamas-summer-camps-children-youths-undergo-militaryparamilitarytraining-military-wings-outposts-facilities/>

<sup>7</sup> OCHA, "Joint Press statement from Jamie McGoldrick, Humanitarian Coordinator in the occupied Palestinian territory, James Heenan, Head of OHCHR in oPt and Genevieve Boutin, UNICEF Special Representative in State of Palestine," August 1, 2018: <https://www.ochaopt.org/content/children-s-rights-must-be-put-first>

<sup>8</sup> UNICEF, "State of Palestine: Humanitarian Situation Report," January – June 2018: <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20State%20of%20Palestine%20Humanitarian%20Situation%20Report%20-%20Mid%20Year%202018.pdf>