

REFUGEE CHILDREN IN CONFLICT WITH THE LAW IN BETHLEHEM



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CRIN is a global children's rights advocacy network. Established in 1995, we press for rights - not charity - and campaign for a genuine shift in how governments and societies view and treat children. We link to nearly 3,000 organisations that between them work on children's rights in every country in the world and rely on our publications, research and information sharing.

Shoruq Organisation (Shoruq) was founded in 2012 in Dheisheh Refugee Camp and is run by and for refugees. Shoruq's vision, mission, objectives and programmes are geared towards political, social, cultural and economical prosperity and a dignified life for all refugees in Occupied Palestine and the Diaspora. We work with refugees in shaping a just solution and a better future for themselves and their children.

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FOREWORD

However children come into contact with the law, they need to be met by a justice system that understands and respects their needs and unique vulnerabilities. A justice system that doesn't understand the problems children face can never guarantee their rights.

For too long the plight of refugee children in conflict with the law has been ignored. All children in the justice system are extremely vulnerable - to violence, to neglect and to stigma that can last a lifetime. This report brings light to the way that these problems are compounded for refugee children - a group that already experiences an instability and vulnerability that can only be worsened by the harshness of a punitive criminal justice system.

The Palestinian justice system is failing refugee children. By recognising that fact, this report foresees how the situation can be otherwise. The way forward is not simple, but it is clear: legal reform must be met with social support for children; violence cannot be tolerated; and where we, as children's rights advocates, see violations of children's rights we cannot shy from challenging them with the full force of the law.

This is a start. Since this report was written, Shoruq, with the support of CRIN, has launched a pilot legal clinic to support refugee children in conflict with the law in Bethlehem. It is not inevitable that children are brutalised by the justice system, but they need support, they need understanding and they need to be respected as rights-holders if they are to move beyond offences committed in their youth. It is not just in the best interests of children, but the best interests of society to respect children's rights within the justice system.

- Veronica Yates, Director of the Child Rights International Network

For too long the plight of refugee children in conflict with the law has been ignored.



FOREWORD

Shoruq is a human rights organization as well as a service provider. In all of our programmes, we aim to raise the voices of Palestinian refugees and defend their rights. We particularly focus on children who are the most vulnerable.

Through our programmes in media, advocacy, and art, we encountered refugee children who were in conflict with the law and saw the detrimental and lasting impacts of the conflict on the children. We undertook this research with CRIN in order to fill a gap in information about refugee children in conflict with the law and to learn how to best focus our work to help these children and protect their rights.

The Palestinian law should ensure children's rights when they are in conflict with the law no matter the reason for the conflict. But, in our research, we found many violations of basic rights are stipulated by the international conventions. We also found huge increases in the numbers of children in conflict with the law.

We have launched a new socio-legal support programme in Shoruq in order to monitor and serve the refugee children who are in the legal system. We are also helping to reintegrate them into society.

We would like to thank all the local organisations and government offices that participated in the study; the Shoruq volunteers who helped organise focus groups, transcribed interviews, and worked with the children to fill out questionnaires; and, especially, the children and their families who put their trust in us. We would also like to thank our partners Middle East Children's Alliance (MECA) and CRIN for their financial support.

- Hazem Alqassas, Director of Shoruq Organisation

Palestinian law should ensure children's rights when they are in conflict with the law no matter the reason for the conflict

METHODOLOGY

Refugee children in conflict with the law and their families live under a number of social conditions that influence their experience of the criminal justice system. This study adopts an ecological approach to the issue,¹ to address the range of interrelated legal, social, economic, educational and psychological phenomena that affect children in conflict with the law. To do so, the researchers sought to involve governmental and non-governmental organisations that come into contact with children in conflict with the law as well as children themselves to give a full overview of how these children experience the justice system and related services. The study also takes account of social and economic factors such as poverty, unemployment and living standards to take account of their impact on refugee children in conflict with the law.

This study draws on a range of methods to give a fuller picture of the status of refugee children in conflict with the law. Each method has been used to address the research questions at the core of this study:

1. Is the right of refugee children to legal assistance respected in the Bethlehem Governorate?
2. What is the perspective of the refugee children in conflict with the law with regard to the services provided to them?
3. What are the legal needs of the refugee children in conflict with the law in Bethlehem Governorate?
4. What psychological, social and educational services are provided to refugee children in conflict with the law? How are these services evaluated?
5. Are any rehabilitation programmes operating for refugee children in conflict with the law? If so, how effective are they? How do the children themselves experience these programmes?

To achieve the research objectives and to answer its questions, a research team questioned a sample of 40 children living in refugee camps in Bethlehem who were in conflict with the law between 2011 and 2013. Respondents were aged all under 18 at the time they came into conflict with the law, but were aged between 14 and 21 years old at the time of the study.

Interviews

The research team interviewed 12 professionals working in the juvenile justice sector in governmental and non-governmental organisations. The interviews were conducted based on a questionnaire drafted by the research team and reviewed by Shoruq and by independent experts working within the juvenile justice sector.²

Focus groups

Shoruq coordinated structured meetings with governmental³ and non-governmental⁴ organisations working in the juvenile justice sector to gain their perspective on developments in the juvenile justice system. During the meetings, participants discussed prepared questions and separate follow up meetings were conducted with individual participants.

The research team also conducted three focus groups with young people in December 2013, during which they discussed questions about their experiences of being children in conflict with the law. The questions were drafted by the research team and reviewed by Shoruq Organisation. The interviewees were all male and aged between 14 and 21 years at the time of the interview. The interviews were semi-structured to allow participants to freely express their opinions and talk about their experiences.

Participants were given a clear idea of the nature and objectives of the research and the organisations involved in the research and took part anonymously. The names of anonymous participants were not recorded to preserve their privacy and are anonymised within this report. Interviewers made it clear that participation was purely voluntary, that participants did not have to answer any question they did not want to and could withdraw from the interview at any time.

2 Interviews were conducted with the director of the department of social defence at the ministry of social affairs; the director of the department of children at the ministry of social affairs; the acting director of the Dar al-Amal; the officer in charge of the children's unit in the ministry of justice; the chief judge of Bethlehem; the juvenile police chief of Bethlehem; the coordinator of education and training at the independent commission for human rights, the programme manager at the independent commission for human rights, the child justice unit coordinator at Defence for Children International-Palestine; the coordinator of lobbying and advocacy and the former children in conflict with the law programme manager at the Palestinian Counselling Centre; the legal coordinator at the international legal foundation and the Palestinian Union of Social Workers and Psychologists.

3 Staff of the Ministry of Social Affairs; Nuha Abu Eisha, probation officer in Bethlehem Governorate; Ola Daraghme, juvenile lawyer in the Bethlehem Governorate working with the ministry of social affairs; Wisal Ammareen, family protection unit, Linda Jaraeseh, Mewher Center and Lubna Issal, Child Protection Officer.

4 Raji Odeh, member of the board of directors of Shoruq Organisation; Fadia Saleh, director of finance and administration at the Guidance and Training Centre for the Child and Family – Bethlehem; Salah Ajarmh, director of the Lajee Centre; Najji Odeh, a representative of Lilac Organisation; Farid al_Atrash, director of the Palestinian Commission for Human Rights in Bethlehem; Hussein Al-Hroub, managing director of Shiraa Association for Development.

1 See Bronfenbrenner, "Toward an Ecology of Human Development", *American Psychologist*, July 1977, p. 513 – 531; Bronfenbrenner, *The Ecology of Human Development*, Harvard University Press, 1979. The research team developed a full methodological plan that is held on record.

Questionnaire

The research team developed a questionnaire aimed at assessing children's experiences of the justice system. Questions addressed children's experience of arrest, detention, restraint and of the court process as well as whether legal assistance and other support was provided.⁵

A draft of the questionnaire was reviewed by the staff of Shorug, including experts on law, human rights, psychology and social work and policy. A finalised version of the questionnaire was then produced in response to the experts' comments.

The research team distributed the questionnaire to refugee children from three camps in Bethlehem Governorate and received 40 responses.

Literature review

The research team conducted a review of previous studies produced by governmental and non-governmental organisations in addition to a review of international and regional law and standards related to juvenile justice. A bibliography is included at the end of this report alongside an annex of international standards.

Difficulties

In conducting the study, the research team encountered a number of difficulties. Every effort was made to conduct interviews with the key officials and members of organisations working on juvenile justice in the Bethlehem Governorate, but it was not possible to meet with a number of these key figures during the research phase. The research team also encountered difficulty in contacting children in conflict with the law to discuss their experiences. Researchers were only able to contact 40 children to complete the questionnaire, and involve 21 in a focus group.



⁵ The questionnaire was provided and completed in Arabic. A copy is available online at www.crin.org.

INTRODUCTION

AIMS OF THE STUDY

International juvenile justice standards are now well established: countless conventions, treaties, international and regional standards set out the rights of children in conflict with the law. However, few of these standards have filtered through to Palestinian law and fewer still have entered practice at the local level. This is a problem for all children in conflict with the law, but the effects are particularly harmful for refugee children.

All Palestinian children face the problems of living under occupation, but what distinguishes refugee children from non-refugee children is the environment in which they reside, the permanent and unexpected threats to the stability of their lives and the lack of services they often face.¹ Refugees live in overpopulated areas, experience greater poverty, face increased levels of unemployment and enjoy a lower standard of living than their peers. These problems have been exacerbated by the reduction in services provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in conjunction with the lack of services provided by the Palestinian Authority.² Refugee children are vulnerable already and this vulnerability can be compounded by a juvenile justice system that does not recognise and address their needs.

Despite the large quantity of research on children's rights and juvenile justice, the particular problems facing refugee children and the violations of their rights in the criminal justice system have so far been neglected. This study aims to address this lack of information and, with this in mind, sets out to meet four objectives:

1. Identify the specific needs of refugee children in conflict with the law to legal, psychological and social assistance. This report will assess these needs in light of the current Palestinian criminal justice system and international standards. Shoruq will use the study to inform their priorities in working with children in conflict with the law.
2. Analyse the Palestinian criminal justice system from a children's rights perspective. The report will particularly address issues of legal assistance, legal aid, confidentiality, detention and due process rights. The report will also address the performance of staff working within the juvenile justice sector in working with refugee children.
3. Assess the social, economic and educational conditions faced by children in conflict with the law in the refugee camps of Bethlehem. In order to understand the unique vulnerability of refugee children in conflict with the law, the report will address the particular challenges that

they face in everyday life using the refugee camps of Bethlehem as a case study. The report recognises that the legal system cannot be addressed in isolation and that any meaningful approach to juvenile justice must also address the social, educational and psychological needs of children.

4. Increase awareness and interest in the experience of refugee children in conflict with the law. The report hopes to trigger interest in the plight of refugee children in conflict with the law to promote work that will support their needs.

This study is the first of its kind in the Occupied Palestinian Territories (OPT) and will focus on the Bethlehem Governorate as a case study. To avoid rehashing old research, the report avoids those areas of the criminal justice system that are already well documented. The way that Israeli military law is applied to children, and the rights violations this involves, are well researched and so are excluded from this report.

This report is also published at crucial point in the incorporation of international human rights standards into Palestinian law. On 2 April 2014, Palestine formally acceded to six of the UN's core human rights treaties,³ including the Convention on the Rights of the Child. This commitment to the rights of Palestinians provides an opportunity to reform Palestinian law to properly protect the rights of children.

This study is a starting point, but it is hoped that it will lead to follow-up research on the development of laws, policies and programmes needed for refugee children in conflict with the law across the whole of the Occupied Palestinian Territories.

¹ Palestinian Refugee Children: international Protection and permanent solutions, Badil Resource Center for Palestinian Residency and Refugee Rights, Bethlehem - Palestine, August 2007, p.15. Source only available in Arabic.

² An agreement with the Palestinian Authority (PA) means that residents of refugee camps are exempt from certain taxes and tolls, but the PA does not provide services such as electricity and water.

³ International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of Racial Discrimination, Convention against Torture, Convention on the Elimination of Discrimination against Women, Convention on the Rights of the Child (and the Optional Protocol on the involvement of children in Armed Conflict). Official ratification documentation is available at: <https://treaties.un.org/pages/CNs.aspx>. Please note, generally the term Occupied Palestinian Territories is used throughout this study to collectively refer to the West Bank, Gaza Strip and East Jerusalem, but here the term Palestine is used, as international treaties are formally signed and ratified with the UN by the "State of Palestine".

PART I

REFUGEE CHILDREN IN CONFLICT WITH THE LAW

1. Refugees in the Bethlehem area

As of January 2014, the United Nations Relief and Works Agency for Palestine in the Near East (UNRWA), estimated that there were 5.03 million Palestinian refugees,¹ though this figure is likely to understate the true number as it only includes those refugees registered with the organisation. Research published by BADIL Resource Center for Palestinian Residency and Refugee Rights at the end of 2011 placed the total figure much higher, estimating that there were at least 7.4 million displaced Palestinians, representing two-thirds of the Palestinian population worldwide.² As of January 2014, 15 per cent of registered Palestinian refugees were living in the West Bank and 25 per cent in Gaza.³

The United Nations Relief and Works Agency for Palestine Refugees in the Near East defines Palestinian refugees as “persons whose normal place of residence was Palestine during the period 1 June 1946 to 15 May 1948, and who lost both home and means of livelihood as a result of the 1948 conflict.”

UNRWA, Palestinian Refugees, available at: <http://www.unrwa.org/palestine-refugees>

According to UNRWA and the Palestinian Central Bureau of Statistics, an estimated 31 per cent of Palestinian refugees live in 58 camps across Jordan, Syria, Lebanon, the West Bank and the Gaza Strip.⁴

State / Territory	Number of camps for Palestinian refugees
Jordan	10
Lebanon	12
Syria	9
West Bank	19
Gaza	8

The Palestinian Central Bureau of Statistics estimates that 42 per cent of the total Palestinian population living in the

West Bank or Gaza is made up of refugees. This figure falls to 27 per cent of the population in the West Bank compared to 67 per cent in the Gaza Strip.⁵ UNRWA has published different figures, estimating that 39 per cent of the Palestinian population living in the West Bank or Gaza is made up of refugees, 29 per cent in the West Bank and 45 per cent in Gaza.⁶

	Percentage of Palestinian population living in refugee camps	
	Palestinian Central Bureau of Statistics	United Nations Relief and Works Agency
West Bank	27	29
Gaza	67	45
Occupied Palestinian Territories	42	39

The Palestinian community is in general a community of young people. As of 2012, an estimated 2.04 million Palestinians were under the age of 18 a figure that makes up 47.6 per cent of the population of the Palestinian Territories.⁷

Poverty among refugee children

Palestinian refugee children experience a higher rate of poverty than non-refugee children. Figures produced in 2011 based on household consumption patterns indicate that 31.3 per cent of refugees fell below the poverty line compared to 21.8 per cent of non-refugees.⁸

The relative poverty rate of people living in refugee camps is particularly stark in the Bethlehem Governorate.

Area	Poverty rate (percentage of population)
Bethlehem	8.76
Aida Refugee Camp	22.76
Al'Aza Refugee Camp	23.43
Dheisheh Refugee Camp	21.84

Source: Palestinian Central Bureau of Statistics, Atlas of Poverty in Palestine, 2013, p. 97.

1 UNRWA, In figures, 1 January 2014, p. 1. Available at: http://www.unrwa.org/sites/default/files/2014_01_uif_-_english.pdf. Note: the volatility of the situation in Syria places limits on the accuracy of UNRWA's statistics for refugees in that country and so may affect statistics relying on those figures for Syria.

2 BADIL Resource Center for Palestinian Residency and Refugee Rights, Survey of Palestinian Refugees and Internally Displaced Persons, Volume VII, 2010-2012, p. 2

3 UNRWA, In figures, 1 January 2014, p. 1.

4 See UNRWA, “Where we work” for full details on the locations and estimated populations of refugee camps for Palestinians. Available at: <http://www.unrwa.org/where-we-work>. For population figures, see UNRWA, In figures, 1 January 2014.

5 Palestinian Central Bureau of Statistics 2013, Database of the Labour Force Survey: Fourth Quarter, 2012, Ramallah, Palestine.

6 UNRWA, In figures, 1 January 2014.

7 Palestinian Central Bureau of Statistics, Child Statistics Series, No. 16: Palestinian Children – Issues and Statistics Annual report, 2013, p.22. Available at: http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1971.pdf.

8 UNRWA figures as reported Maan News Agency. News item available in Arabic at: <http://www.maannews.net/arb/ViewDetails.aspx?ID=606733>.

Unemployment among refugees

The results of the Labour Force Survey of 2013⁹ indicated that the proportion of refugee people aged 15 or older engaged in the work force was significantly lower than for non-refugees (42.8 per cent compared to 44.2 per cent). For girls, the employment rate is much lower regardless, but 17.3 per cent of female refugees were working compared to 17.2 per cent of non-refugees.¹⁰

These figures are reflected in unemployment figures which show that 28.3 per cent of the total refugee population was unemployed compared to 20.1 per cent of non-refugees.¹¹ In refugee camps, the unemployment rate across the Palestinian Territories rose significantly to 31.5 per cent.¹²

	Unemployment rate			Rate of participation in work force		
	Palestinian Territories	West Bank	Gaza	Palestinian Territories	West Bank	Gaza
Non-refugees	20.1	17.7	30.4	44.2	44.8	41.4
Refugees	28.3	21.3	33.7	42.8	45.4	41
Refugees living in camps	31.5	23.3	37.1	40.8	43.5	40.8

Source: Palestinian Central Bureau of Statistics, Labour Force Survey Annual Report 2013

9 Palestinian Central Bureau of Statistics, Labour Force Survey Annual Report 2013. Available at: http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/Book2049.pdf.

10 Ibid. at p. 80, Table 19.

11 Ibid.

12 Ibid.

Refugees in Bethlehem

The Bethlehem Governorate covers 659 square kilometres and contains 45 communities including three refugee camps: Dheisheh, Aida and Beit Jibrin. As of the end of 2014, an estimated 213,299 people were living in Bethlehem¹³ and as of 2007, 28.4 per cent of the population were refugees.¹⁴

Dheisheh Refugee Camp¹⁵

Dheisheh Refugee Camp was established in 1949 on 0.31 square kilometres of land within the municipal boundaries of Bethlehem. The people of Dheisheh originate in more than 45 villages west of Jerusalem and Hebron. Like the other camps in the West Bank, Dheisheh was built on land leased by UNRWA from the Jordanian government. The entire camp is connected to the municipal water and electric systems of Bethlehem, but 15 per cent remains unconnected to the local public sewage system. These homes make use of communal percolation pits.

An estimated 13,000 refugees are registered with UNRWA in Dheisheh.

Aida Refugee Camp

Aida Refugee Camp was established in 1950 and covers 0.71 square kilometres between Bethlehem and Beit Jala. The people have origins in 17 villages to the west of Jerusalem and Hebron, including Walaja, Khrbet Alomr, Ajour, Ellar, Deir Aban, Maleiha, Ras Abu Ammar and Beit Natif. A rapid increase in the population of the camp has led to severe overcrowding.

Approximately 4,700 refugees are registered with UNRWA in Aida, while the Central Bureau of Statistics indicates that 2,898 refugees live there. The unemployment rate is 20.6 per cent, while 8.7 per cent of the population live in poverty. There is one school for girls in the camp, while boys study in the schools of Beit Jala. Residents of the camp are reliant on health centres in Dheisheh and Bethlehem for medical care.

Beit Jibreen Refugee Camp (Al'Aza)

Beit Jibreen Refugee Camp is the smallest of the Bethlehem's camps, covering 0.02 square kilometres of central Bethlehem. Residents originate in the depopulated village of Beit Jibreen to the west of the Hebron hills. The camp is also known as Al'Aza refugee camp, as more than 60 per cent of the population is descended from the Al'Aza family. Residents use the services of Aida Refugee Camp and at the UNRWA office in Bethlehem. All houses are connected to public water and electricity infrastructure.

Approximately 1,000 refugees are registered with UNRWA in Beit Jibreen, while the Central Bureau of Statistics reports that 1,684 refugees live there.



¹³ Palestinian Central Bureau of Statistics, Palestinians at the End of 2014: Table 3: Projected Population in the State of Palestine by Governorate, End Year 2014, 2014. Available at: <http://www.pcbs.gov.ps/Downloads/book2096.pdf>.

¹⁴ See Palestinian Central Bureau of Statistics, Bethlehem annual statistics, 3, Ramallah, http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1800.pdf and the website of the UNRWA <http://www.unrwa.org>.

¹⁵ For more information on Dheisheh, Aida and Beit Jibreen refugee camps, see UNRWA, Where we work: West Bank. Available at: <http://www.unrwa.org/where-we-work/west-bank>.

2. Refugee children in conflict with the law in the Bethlehem Governorate¹⁶

The last three years have seen a dramatic rise in the number of children in conflict with the law, a figure that rose 165 per cent between 2011 and 2013 in the Bethlehem Governorate. Unfortunately, the figures produced by the Palestinian Central Bureau of Statistics are not detailed enough to indicate how many of these children are refugees over this period. However, during an interview, Ms. Nuha Abu Eisha, the probation officer in Bethlehem, estimated that 20 per cent of children in conflict with the law in the Bethlehem Governorate are refugees, though no official figures could be located to support this estimate.

Year	2011	2012	2013
Number of children accused of a criminal offence in the West Bank	1702	1716	2762
Number of children accused of an offence in Bethlehem	97	118	257

(Source: the Palestinian Bureau of Statistics. The figures specifically refer to those children accused of an offence under the authority of the Palestinian Authority and so exclude children in conflict with the Israeli military authorities.)

Children arrested by the Palestinian Authority face a disproportionate shortage in services compared to those in conflict with Israeli military authorities. For example, the Ministry of Detainees and Ex-Detainees Affairs operates rehabilitation programmes for ex-detainees. The programme involves vocational rehabilitation, university education and loans. In collaboration with the Center for Victims of Torture, the Ministry also provides counselling services. Save the Children Sweden and the YMCA have also initiated a rehabilitation programme for children released from Israeli jails in indirect partnership with the Global Movement for Children Foundation. The programme includes counselling, vocational guidance, and evaluation to determine what further services a child might require. Such programmes are not in place for children emerging from the criminal process overseen by the Palestinian Authority.

Jurisdiction for criminal offences is divided between the Palestinian and Israeli military authorities. This report focuses on children in conflict with the law under the jurisdiction of the Palestinian Authority. This covers all of Area A (including most of the West Bank cities). In Area B, jurisdiction is divided between the Palestinian Authority and the Israeli military, while Area C is under the sole jurisdiction of the Israeli military authorities. The UN has published a map indicating how jurisdiction in the West Bank is divided, though the designation of particular areas changes from time to time.

(Map available at: http://www.ochaopt.org/documents/ocha_opt_area_c_map_2011_02_22.pdf. Up to date as of February 2011.)

Refugee children in conflict with the law are rarely targeted by the institutions that work with children. NGOs have traditionally seen refugee children as within the remit of the United Nations Relief Works Agency (UNRWA), but the decline in the services provided by UNRWA in conjunction with the reluctance of NGOs to fill the gap has led to a shortfall in services for refugee children in conflict with the law.

“[The] refugee camps do not affiliate to the Palestinian National Authority, but to the Relief and Works Agency for Palestine Refugees. There is a legal gap in the camps where there is no police stations, no legal defence organizations and no social and psychological support services. The organizations are centred and located in the cities and do not extend to the camps. There must be a place in the camp for the juveniles who seek legal and psychological help. There are no institutions in the camps that provide these services from any party whatsoever. Therefore it is necessary to fill this void, and to address these very important issues. We, in the Palestinian independent Commission for Human Rights will cooperate with this organization “Shorouq” and support it.”

- Mr. Farid Al-Atrash, director of the Palestinian Independent Commission for Human Rights in Bethlehem said within a focus group meeting with human rights and civil society organisations.

¹⁶ Children in conflict with the law is used to describe any person under the age of 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence. This term is used to avoid terms such as “delinquent” that perpetuate stigma against children involved in the criminal process.

The questionnaire completed during this study collected background information on the children who took part, including information on family income, number of relatives and other personal circumstances.

Monthly family income (NIS / USD)	Percentage of respondents
1000 / 278	5
1500 / 416	5
2000 / 555	10
2500 / 694	10
3000 / 832	7.5
3500 / 971	0
4000 / 1110	7.5
4500 / 1249	2.5
5000 / 1389	5
10000 / 2778	5
Did not respond	42.5

The questionnaire also asked participants about their living conditions, finding that the children typically came from large families (the average number of family members of the sample was 7.4), while they lived in relatively cramped conditions with, on average, 1.4 family members per room, including bathrooms, kitchens, bedrooms and living spaces.

The minimum age of criminal responsibility

Children under Palestinian criminal law can be held criminally responsible from the age of 12.¹⁷ The Jordanian Juvenile Reform Act previously set the minimum age of criminal responsibility at nine years, significantly below international standards, though imprisonment was prohibited for children under the age of 12.¹⁸

International standards have developed significantly since the Convention on the Rights of the Child came into force. The Convention itself does not provide explicit guidance on the implementation of the minimum age of criminal responsibility, though the text as adopted does require States to set such an age:

“States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognised as having infringed the penal law, and, in particular:

(a) the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;”

- UNCRC, Article 40(3)¹⁹

Nonetheless, scrutiny of the minimum age of criminal responsibility has become a standard part of the Committee on the Rights of the Child’s reviews of States. In the Committee’s General Comment No. 10, the Committee developed the idea of an internationally acceptable minimum age of criminal responsibility, namely that “a minimum age of criminal responsibility below the age of 12 years is not considered ... to be internationally acceptable”. It appears that this standard advocated by the Committee may now be evolving to increase the minimum age of criminal responsibility that is considered internationally acceptable. In recent Concluding Observations, the Committee has begun to explicitly urge states to raise the MACR to 14.²⁰ This higher standard is in addition to continuing criticism of any State which has lowered its minimum age of criminal responsibility, regardless of whether the lower age remained higher than 12.²¹

Reform of the minimum age of criminal responsibility would have to be a part of any reform to bring the Palestinian juvenile justice system into conformity with international standards.

17 Palestinian Child Law, Article 67 as amended. At the time of writing, there were reports that this age was not being recognised in practice and Defence for Children International were appealing a case on the point. See International Legal Foundation, *Juvenile Justice in the West Bank: Analysis and Recommendations for Reform*, fn. 1.

18 Article 2 provides that a “juvenile” is any person aged between nine and eighteen years old. Criminal procedures and penalties can be applied to people within this age group, though the severity of penalties varies according to age.

19 See Cipriani, p. 53-56 for a discussion of the history of the drafting of this provision.

20 See, for example, UN Committee on the Rights of the Child, *Concluding observations on Indonesia’s combined third and fourth periodic reports*, CRC/C/IDN/CO/3-4, 13 June 2014, paras. 77 and 78; *Concluding observations on Malta’s second periodic report*, CRC/C/MLT/CO/2, 18 June 2013, para. 66.

21 See, for example, UN Committee on the Rights of the Child, *Concluding observations on the fourth periodic report of Denmark*, CRC/C/DNK/CO/4, 7 April 2011, paras. 65 and 66.

Violence against children in the justice system

“The intentional use of physical force or power, threatened or actual, against a child, by an individual or group, that either results in or has a high likelihood of resulting in actual or potential harm to the child’s health, survival, development or dignity.”

- Definition of violence against children adopted by the UN Study on Violence Against Children

“State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has care of the child”

- Article 19(1) of the UN Convention on the Rights of the Child

The children who participated in the questionnaire as part of this study were asked whether they experienced violence while they were detained. The majority of children who responded (57.5 per cent) reported experiencing at least one form of violence while in detention and 40 per cent reported experiencing more than one form of violence.

Form of abuse reported	Percentage of respondents
Beating	27.5
Threats	47.5
Verbal abuse	22.5
Restriction of food	15
More than one form of violence	40
No violence reported	42.5

There can be no doubt that such treatment amounts to a clear violation of many of the human rights treaties that Palestine has become a party to. The Convention on the Rights of the Child (CRC) clearly prohibits all forms of violence against children²² and includes specific protections for children in conflict with the law. Under the CRC no child shall be subject to torture or other cruel, inhuman or degrading treatment or punishment; every child must be treated with humanity and respect for the inherent dignity of the human person and every child deprived of his or her liberty must have the right to prompt access to legal and other appropriate assistance.²³

The UN Convention Against Torture and the International Covenant on Civil and Political Rights also contain explicit prohibitions on torture, cruel, inhuman and degrading treatment and punishment²⁴ that would cover violence against children while in detention.

“They arrested me at night. I stayed there for three hours. I have never been so afraid in my life as I was when I was there.”
- Child H, 14 years-old

The study did not examine individual allegations of violence in sufficient detail to determine whether there was sufficient evidence to prove that the State has violated these rights, but the information collected leads to serious concern that children are routinely subjected to such prohibited treatment. As discussed below, the widespread absence of lawyers during questioning, whether by police, prosecutors or security forces, leaves children particularly vulnerable to violence and makes it much more difficult to challenge violence when it occurs. Similarly, the absence of specialised facilities for the care and detention of children in conflict with the law increases the likelihood of their ill-treatment.

²² UN Convention on the Rights of the Child, Article 19.

²³ UN Convention on the Rights of the Child, Article 37.

²⁴ UN Covenant on Civil and Political Rights, Article 7; UN Convention Against Torture.

The impact of institutionalisation goes beyond children's experience of the violence itself, as noted in the UN's groundbreaking study on violence against children, "Long-term effects can include severe developmental delays, disability, irreversible psychological damage, and increased rates of suicide and recidivism."²⁵ As part of the questionnaire undertaken as part of this study, children reported experiencing a wide range of psychological symptoms following their involvement in the justice system.

Reported psychological symptom among detained children	Percentage of respondents
Anxiety	57.5
Sadness	20
Aggression	32.5
Misery	22.5
Isolation	22.5
Insomnia	10
Nervousness	20
Lack of concentration	10
Anorexia	10
Fatigue	10
Nightmares	7.5
Suicidal tendencies	2.5

"The intelligence service told me they arrested me to protect me from the occupation. I told them, 'how can you protect me when you beat me'"

- Child B, 14 years-old

Educational impact on children in conflict with the law

The results of the focus groups conducted with children who had been in conflict with the law and meetings held between the research team and juvenile justice professionals showed a lack of plans to follow-up the rehabilitation and reintegration of children into society whether during their stay in foster care or in rehabilitation facilities after their release. This may contribute significantly to the dropout rates experienced by children emerging from the justice system. Of the children who participated in this study, 37.5 per cent reported that they did not continue their education after they were released.

For a number of those children who did not return to education after they were released from detention, their offence was committed in school and as a result they were not allowed to return to that school upon release. The complication of transferring to another school severely hindered children in continuing their education.

These findings are consistent with studies conducted internationally on the effects of detention on education. In the United States, a Department of Education Study found that 43 per cent of children who had been incarcerated did not return to school after release and a further 16 per cent enrolled but dropped out within 5 months.²⁶ Other United States focused studies found that less than 15 per cent of 9th graders who were incarcerated (children aged 14 to 15) completed secondary education.²⁷

Academic attainment of children who participated in the questionnaire	Percentage of respondents
High School	62.5
Secondary School	27.5
Vocational School	2.5
Primary School	2.5
Did not respond	5

²⁵ Report of the independent expert for the United Nations study on violence against children, A/61/299, 29 August 2006, p. 16.

²⁶ Le Blanc (1991), *Unlocking Learning: Chapter 1 in Correctional Facilities*, Washington, DC: US Department of Education.

²⁷ Balfanz, R., Spiridakis, K., Neild, R. and Legters, N., *Neighbourhood Schools and the juvenile Justice System: How neither Helps the Other and How that Could Change*, Presented at the School to Jail Pipeline Conference, Harvard University.

Social stigma and exclusion

During the focus groups conducted with refugee children, many of the children reported the social stigma and isolation that they experienced during and after detention. Though most of the children who reported experiencing stigma described damage to their relationships with family and friends. Children also reported that the financial cost of paying for legal advice, representation or compensation could be a source of contention between them and their family

	Yes (per cent)	No (per cent)	Did not respond to question
Did you encounter difficulties coping with friends after release?	35	57.5	7.5
Did you encounter difficulties at home after release?	42.5	20	7.5

“My parents scolded me even though I am not guilty. In the court I said I am not guilty.”

- Child E, 16 years-old

PART II

LEGAL ASSISTANCE AND VIOLATIONS OF CHILDREN'S RIGHTS

International, regional and national legislation guarantee children’s rights in the criminal justice system, but these standards are yet to be realised in the Occupied Palestinian Territories. There is no juvenile justice system to speak of in the Palestinian criminal law and far from protecting children, the justice system perpetuates violations of their rights. These violations are found at every stage of the criminal process, from arrest to sentencing and punishment. This section will set out the reality that children face in the juvenile justice process in the Palestinian criminal justice system in law and practice as well as the relevant international standards.

1. Arrest

Children usually enter the criminal justice system at the point of arrest. Under the Convention on the Rights of the Child, the arrest of a child should be a measure of last resort and used for the shortest appropriate period of time. A child must also be informed promptly and directly of the charges against him or her.¹ These safeguards act as a necessary check against the arbitrary use of police powers.

The questionnaire undertaken as part of this study asked children the reason they were given for their arrest. The children who were informed of the reason answered the question as follows:

Reason for arrest	Percentage of respondents
Fight	35
Theft	22.5
Political reasons	12.5
Sabotage	7.5
Assault	5
Traffic accident	5
More than one reason	2.5
No reason given	12.5

Questionnaire: “what reason were you given for your arrest?”

Figures produced by Bethlehem police give a fuller picture of the reasons recorded by police for the arrest of children, though also raise questions about the offences for which children are being arrested and the way the police have recorded this information.²

Charge	Number of children
Abuse	66
Causing offence	5
Begging	2
Theft	50
Harassment	4
Depriving a person of their liberty	1
Suspicion of an unspecified offence	13
Selling without a licence	11
Criminal damage	27
Resisting arrest	13
Burglary / breaking and entry	2
Being drunk and disorderly	2
Child labour	1
Receiving stolen money	3
Attempted theft	3
Sexual harassment	6
Threatening behaviour	3
Rape	2
“Proven victimisation”*	2
Suspicion of theft*	2
Sexual harassment*	1
Crimes against decency	4
Incitement to commit an offence	1
Possession of a weapon	2
Careless or reckless driving	2
Possession or manufacture of explosive materials	1
Possession of narcotic drugs	1
“Despising an employee”*	2
Total	230

* See footnote 2 for an explanation of these terms.

2 Figures provided by Bethlehem Police 2013. A copy has been kept on record. “Proven victimisation” and “despising an employee” are a literal translations of the terms used by Bethlehem police to classify arrests, though it is unclear to what offences these terms refer. It is also not clear from the information provided, how arrest for “theft” and arrest “on suspicion of theft” differ. The second category of “sexual harassment” is literally translated as “teasing girls” and refers to the offence of harassing women in public.

1 UN Convention on the Rights of the Child, Article 37(b).

2. Legal assistance and legal aid

Legal systems are incredibly difficult to navigate for people unfamiliar with the law. Children in particular are likely to lack experience of the law, may be unaware of their rights and have little money, leaving them especially vulnerable when facing a criminal charge. Getting the right assistance, advice and representation from a trained professional is the only way the majority of people will be able to effectively engage with the criminal justice system. This is why the right to counsel is a fundamental fair trial guarantee for everybody, but it is particularly important to combat the vulnerability of children in conflict with the law.

International standards require that children have prompt access to a lawyer from the moment they enter custody as well as access to a choice of competent defence counsel at the expense of the state. These lawyers should be specifically trained in representing children in conflict with the law and remain assigned for the entirety of the case.³

These standards have been partially incorporated into Palestinian law. The Palestinian Basic Law, amended in 2003, provides that every person who is arrested or detained shall have the right to “contact a lawyer”⁴ and that “any person accused in a criminal case shall be represented by a lawyer”.⁵ Prosecutors must notify accused people of their right to counsel⁶ and the accused has the right to postpone questioning for 24 hours until counsel is present.⁷ All litigants have a right to counsel during the pre-trial investigation for a criminal offence⁸ and while detained.⁹

The Jordanian Juvenile Reform Act, which currently governs juvenile justice in the West Bank, contains no provisions on the right to legal advice for children and the Criminal Procedure Law does not guarantee the presence of a lawyer during preliminary investigations or from the point of arrest and there is no guarantee of access to a lawyer during a misdemeanour case.

However, if the Draft Law on Juvenile Justice of Palestine entered into force, it would create a right for children to have a defence lawyer in felony and misdemeanour cases during

preliminary investigations and during the trial.¹⁰ Where a child, a parent or a guardian has not been appointed a lawyer, the prosecution or the court would be required to assign a lawyer at the expense of the state. If the child’s parents earn more than a certain amount, the public prosecution would be able to transfer the cost of the lawyer to the child’s family. The presence of a lawyer during questioning and investigation would not be obligatory,¹¹ though a child could not be sentenced without the presence of a lawyer.¹²

The Draft Law on a Legal Aid Fund, published in 2012, set out a potential legal aid system when it was published in 2012, providing for legal representation and legal defence for people accused of criminal offences who have little or no income.¹³ If enacted, the Draft Law would also specifically guarantee the right to children and women.¹⁴ Legal representation would be available for all felony cases, but only for misdemeanours punishable by a year or more in prison.¹⁵ The assignment of a lawyer during an investigation would be optional.

Although the law does not prevent the presence of a lawyer in the offices of the judicial police, and although Article 12 of the Basic Law states that “every object and action is considered permissible,” evidence collected during this study indicates that police have not been using their discretion to permit children access to a lawyer.

evidence collected during this study indicates that police have not been using their discretion to permit children access to a lawyer

3 See UN Convention on the Rights of the child, Article 37(d); UN Committee on the Rights of the Child, General Comment No. 10, paras. 49,50, 52, 58 and 82; Beijing Rules, 7(1) and 15(1); United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 18(a).

4 Palestinian Basic Law, Article 12. See also Law of Criminal Procedure No. 3 of 2001, Article 123.

5 Palestinian Basic Law, Article 14.

6 Law of Criminal Procedure No. 3 of 2001, Article 96.

7 Law of Criminal Procedure No. 3 of 2001, Article 97(1).

8 Law of Criminal Procedure, Article 102(1).

9 Law of criminal Procedure, Article 123.

10 Draft Palestinian Law on Juvenile Justice, Article 11.

11 Draft Law on Juvenile Justice of Palestine, Article 20.

12 Draft Law on Juvenile Justice of Palestine, Article 32.

13 Draft Law on a Legal Aid Fund, Article 1.

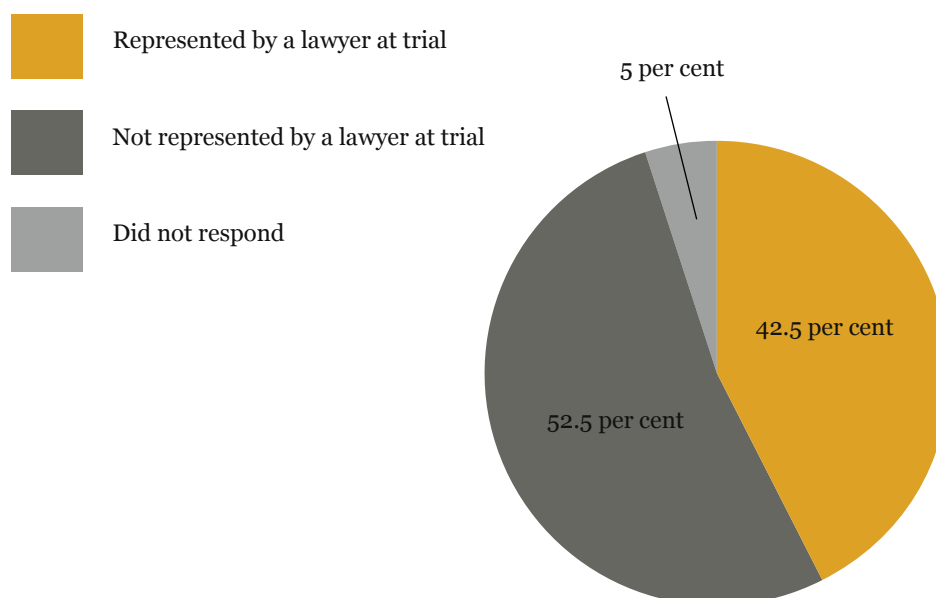
14 Draft Law on a Legal Aid Fund, Article 6.

15 Draft Law on a Legal Aid Fund, Article 5.

Among the 40 children who responded to the questionnaire during this study it was immediately obvious that children had been widely denied their right to legal advice and assistance.

Contact with a lawyer	Percentage of respondents
Able to contact a lawyer	2.5
Questioned in the presence of a lawyer	22.5
Unable to contact a lawyer	55
Informed of right to contact a lawyer	17.5
Not informed of right to contact a lawyer	55

Of the children who did have access to a lawyer, three were represented by lawyers working for an institution that the children could not identify and 14 were represented by private lawyers selected from a pool of 13 lawyers working with organisations that provide legal representation and advice to children in the West Bank.



Questionnaire: "were you represented by a lawyer during your trial?"



"I was by myself at the
police and prosecution offices
with no lawyer"

- Child B, 15 years-old

Three organisations provide such legal advice and representation to children in the West Bank: The International Legal Foundation, Defence for Children International-Palestine (DCI-Palestine) and the Ministry for Social Affairs. The Ministry of Social Affairs employs three lawyers who provide support for children in Bethlehem and Hebron; DCI-Palestine employs three lawyers covering the north-west, south and centre of the West Bank, though the organisation has closed its office in Bethlehem. The International Legal Foundation (ILF) employs seven lawyers. The ILF does not maintain an office in Bethlehem, but is able to provide support in a small number of cases through a lawyer based in Hebron.¹⁶

Organisation	Number of children represented		
	2011	2012	2013
International Legal Foundation	60	60	60
DCI-Palestine	44	87	50
Ministry of Social Affairs	-	-	326

All figures provided during interviews with representatives from the relevant institutions.

How would you rate the services performed by your lawyer?	Percentage of respondents
Excellent	5
Very good	11
Good	26
Fair	5
Acceptable	21
Poor	16
Very poor	5
Did not respond	21

Questionnaire: "How would you rate the services performed by your lawyer?"

¹⁶ Interview with Mr Na'el Ghannam, 26 November 2013.

3. Presence of the parent or guardian

Arrest and detention can be incredibly stressful for a child and facing this situation alone can seriously exacerbate the problem. This is why it is important that children are able to have the support of their parents or guardians when they are taken into custody. International standards are clear that a child's parents should be notified when he or she is taken into custody and asked to join the child at the police station and any court appearances. There may be exceptions to this rule where notifying a child's parents would not be in the best interests of the child, but where this is the case or where a child's parents are not known, the child should be provided with a reliable adult to provide support in dealing with the authorities.¹⁷

The Palestinian Child Law does not address a child's right to have a trusted adult present during criminal proceedings. However, the Jordanian Juvenile Reform Act, which remains in force in the West Bank, states that where a child is accused of an offence, the court must require his or her parent or guardian to join the child at the court and may take the necessary measures to ensure the presence of the parent or guardian.¹⁸ If enacted, the Draft Palestinian Law on Juvenile Justice would provide that a child must not be sentenced without a guardian being present but would not require that a parent or guardian be present during an investigation. The Draft Law includes provisions which permit an investigation to take place without a parent or guardian where this is in the best interests of the child or in other circumstances "where the case so requires".

The survey of children's experiences of the justice system undertaken as part of this study found that only 5 out of 40 children who responded had parents with them at the police station and during court hearings.

4. Privacy and confidentiality of court hearings

The stigma of publicly identifying a child in conflict with the law can put them at risk and make it more difficult for the child to be rehabilitated and reintegrated into the community. With this in mind, international human rights treaties, rules and guidelines set out clear privacy protections for children in conflict with the law. All records of legal proceedings concerning children should be kept strictly confidential and findings of responsibility should be expunged when the child reaches the age of majority.¹⁹

The Draft Juvenile Protection Act requires that court hearings be held in private in the presence of a child's parents, child protection counsellor, the child's lawyer and any person who is given special permission to attend the hearing.²⁰ However, a child may be sentenced alongside an adult if he or she is accused of a felony jointly committed with an adult.²¹

Of the children who responded to the questionnaire undertaken as part of this study, 59 per cent said that they had been sentenced in public and 55 per cent of children heard their names called in court compared to 32.5 per cent who did not. The remaining children did not answer this question. While being interviewed as part of this study, the Chief Judge of Bethlehem, Awni Albarbawi, confirmed that children were called by their names using loudspeakers in the court house and that where a child was tried jointly with an adult, the sentencing would take place in public.²²

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only 5 out of 40 children reported having parents with them at the police station and court hearings

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17 UN Convention on the Rights of the Child, Articles 9 and 40; UN Committee on the Rights of the Child, General Comment No. 10, paras. 27, 51, 52, 60, 64, 66, 67, 82, 83 and 84; Beijing Rules, 7, 8, 20 and 21.

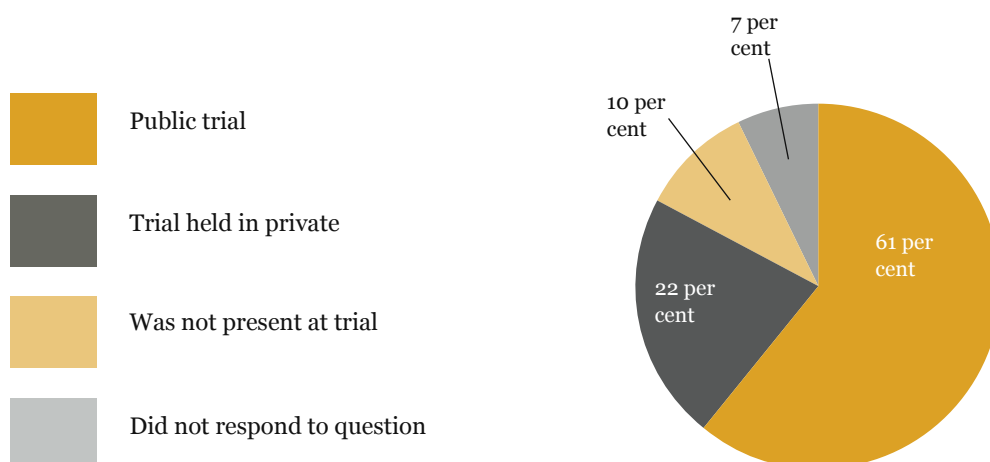
18 Jordanian Juvenile Reform Act, Article 8.

19 UN Committee on the Rights of the Child, General Comment No. 10, paras. 27, 51, 52, 60, 64, 66, 67, 82, 83, 84; Beijing Rules, 8(1) and (2).

20 Draft Juvenile Protection Act, Article 32.

21 Law on Reforming Juvenile Offenders No. 16 of 1954, Article 7.

22 Interview with the Chief Judge of Bethlehem, conducted on 30 December 2013.



Questionnaire: "Was your trial held in public or private?"

Note, one child reported being involved in two trials, one of which was public and the other private

5. Delay and expediting trial proceedings

Under the Convention on the Rights of the Child, children involved in criminal justice proceedings have a right to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law.²³ The without delay standard is emphasised by the Beijing rules and corresponding commentary, which stress that "speedy conduct of formal procedures in juvenile cases is a paramount concern. Otherwise whatever good may be achieved by the procedure and disposition is at risk. As time passes, the juvenile will find it increasingly difficult, if not impossible, to relate the procedure and disposition to the offence, both intellectually and psychologically."²⁴

The Draft Law on Juvenile Justice of Palestine classifies juvenile cases as urgent, though it is not clear what impact this provision would have in practice.²⁵

Of the children who took part in the survey as part of this study, 28 who began their trial between the beginning of 2011 and the beginning of 2013 had not yet been sentenced. Ten had been sentenced and two did not answer the question. At least one child had been involved in criminal proceedings that started in 2011 and had not been completed at the time of filling in the questionnaire.

the Draft Law on Juvenile Justice classifies juvenile cases as "urgent", though it is not clear what impact this provision would have in practice

²³ UN Convention on the Rights of the Child, Article 20(2)(b)(iii).

²⁴ Beijing Rules, Paragraph 20.1. "Each case shall from the outset be handled expeditiously, without any unnecessary delay; Commentary to Para. 20.1 of the Beijing Rules.

²⁵ Draft Law on Juvenile Justice, Article 9.

PART III

THE RIGHT TO SOCIAL AND PSYCHOLOGICAL SUPPORT

Children in conflict with the law must deal with the legal system, but the obstacles these children face extend beyond the law enforcement authorities and the courts. It is only possible to address the needs of these children and effectively combat offending by also looking at their educational, social and psychological needs. For this reason, this study looks at the justice system that children face when they come into contact with the law, but also the services that can help to prevent offending and rehabilitate children after they have been in contact with the justice system.

As is the case with the formal legal system, international standards are well developed around the need to provide social, educational and psychological support for children in conflict with the law and to prevent children from coming into conflict with the law. Social protection services should be linked to law enforcement and criminal mechanisms¹ and should form part of the initial response to children who appear to be in conflict with the law.² For children who are particularly vulnerable – including refugee children – this vulnerability should be identified to ensure protection and provide the support necessary.³ Similarly, when children leave the justice system, particularly when they leave detention, reintegration services must be agreed and put in place long before children are released to allow a seamless return to education, family, community and society.⁴

Unfortunately, this study has found that the social, educational and psychological support available to refugee children in conflict, or potentially in conflict, with the law in the Bethlehem Governorate fall far short of these standards.

Of the 21 children who took part in a focus group as part of this study, 14 had been in contact with the criminal justice system more than once and a small number had been detained more than three times. During an interview, the Chief Judge of Bethlehem, Awni Albarbraqi, confirmed that the court frequently dealt with cases of children who had reoffended. The Draft Strategic Plan for Child Justice issued by the ministry of justice includes an estimate that 70 to 90 per cent of criminal cases involving children relate to children who have reoffended.⁵ Despite the well documented pattern of recidivism, this study found little evidence of programmes to prevent the this cycle of offending.

1. Psychological and social care in Palestinian law

Under the Palestinian Child Law, child protection counsellors are required to intervene in all cases in which the safety of the child or his or her physical or psychological health is at risk.⁶ Children in conflict with the law must also be treated in a manner consistent with their age and the promotion of the child's dignity, worth and in a manner that promotes reintegration into society.⁷

If the Draft Juvenile Protection Act entered into force, it would introduce further protections for children. The Draft Act provides that in dealing with a child, the court must serve the child's best interests, including by referring to the report and evidence of a child protection counsellor.⁸ Serving the best interests of children must also include respect for their rights and the promotion of rehabilitation and reintegration. The Draft Law also calls for the establishment of "the office of social defence" in every court, which would include specialists in forensic medicine and psychological and social counselling in addition to a child protection counsellor.⁹ The judge would be empowered to call on any of these officials if to do so would be in the interests of the child and if justice required.

The Draft Juvenile Protection Act set out the obligations of the child protection counsellor, which include observing the case of a child in conflict with the law from investigation to trial. The counsellor must submit a preliminary report on the behaviour of the child to the prosecutor in addition to a detailed report to the court.¹⁰

Despite these legal protections, there was consensus among the juvenile justice professionals interviewed as part of this study that the current judicial system is failing to protect children in conflict with the law.¹¹ Interviewees reported that the current law is outdated, has failed to keep pace with the development of children's right standards and hinders the protection of the best interests of the child.¹² Captain Mohammed Zama'arh, juvenile police chief for Bethlehem, noted an inappropriate punitive approach to dealing with offences committed by children. Several interviewees also raised the issue of the weakness of the justice system, a weakness that can lead to the erroneous application of the law by judges presiding over juvenile cases.¹³

1 UN Committee on the Rights of the Child, General Comment No. 10, para. 94.

2 UN Committee on the Rights of the Child, General Comment No. 10, paras. 18 to 20.

3 UN Convention on the Rights of the Child, Articles 2, 19 and 40.

4 See International NGO Council on Violence Against Children, *Creating a Non-violent Juvenile Justice System*, 2013, pp. 28 to 41 for more information on juvenile justice standards from apprehension to reintegration.

5 See draft of the strategic plan for Juvenile justice, p. 33.

6 Palestinian Child Law, No. 7 of 2004, Article 52.

7 Palestinian Child Law, No. 7 of 2004, Article 69.

8 Draft Juvenile Protection Act 2012, Article 3.

9 Draft Juvenile Protection Act 2012, Article 30.

10 Draft Juvenile Protection Act 2012, Article 18.

11 Ms. Samah Sawalha, Head of Department of Cabinet Affairs; Officer of the department of juvenile justice at the ministry of justice. Interviews conducted 25 November 2013.

12 Mr. Salim Qawariq, director of the department of social defence (the director of probation officers), ministry of social affairs. Interview conducted on 26 November 2013.

13 Mr. Na'el Ghannam, legal coordinator at the International Legal Foundation in the West Bank.

2. Services for children in conflict with the law in practice

The role of probation officers in protecting and rehabilitation juveniles

The Palestinian Child Law formally replaced probation officers with child protection counsellors in the juvenile justice system, though, at the time of writing, the ministry of social affairs was yet to amend its regulations to give effect to this change. The combination of reformed and unreformed law has resulted in disjointed provisions under which probation officers have been retained. The Draft Juvenile Protection Act would complete this reform, replacing probation officers with child protection counsellors and defining the role of the new counsellors. In the meantime, the Juvenile Protection Act of 1954 remains in force and sets out the role of probation officers to reform and rehabilitate children in conflict with the law to reintegrate them into society.¹⁴

According to Mr Salim Qawariq, director of the department of social defence, 14 probation officer are working in the West Bank, one for each Governorate, with the exception of Hebron, which has four. Mr Qawariq reported that this provision was inadequate to fulfil the function of probation officers and recommended doubling the figure to allow probation officers to be assigned to the court and for visits to children and parents. Mr. Qawariq also recommended that probation officers be available 24 hours a day and be better resourced so as to provide them with basic necessities for their work, such as transport and phones.¹⁵

The interview with Mr. Qawariq explains the findings of the questionnaire conducted as part of this study, which found that 29 of the 40 did not meet with a probation officer; six children had a probation officer present during court hearings and five did not answer the question. Eight children reported having a probation officer present during the investigation.

The majority of children who participated in the survey reported that they had not been visited by a probation officer while in custody, which prevented the probation services playing a role in scrutinising the treatment of children in detention. There can be little doubt that this practice violates the rights of the child to protection under national and international standards and leaves children vulnerable to abuse.

Did a probation officer visit you in custody?	Percentage of respondents
Yes	22.5
No	57.5
Did not respond	20

Commenting on the role of probation officers in submitting reports to the court, Ms. Nuha Abu Eisha, the probation officer for the Bethlehem Governorate, said that she provides reports on request from the court. She further reported that in most cases in which she is involved, she would speak directly with the judge to explain the circumstances of the child's case. Ms. Eisha reported that her interaction with judges on children's cases was usually positive and that they seemed to support her input, but she did not comment on whether and how they acted on her advice.

Specialised institutions to provide psychological and social support in the Bethlehem Governorate

The survey of children conducted as part of this study showed that only a small minority of children had been in contact with social services. Only five out of the 40 children questions had requested and received some form of psychological or social help, 32 had received no form of support and three did not answer the question. There may be several reasons for this underuse of psychological and social support services, whether it is a result of a lack of awareness of the services that do exist, cultural stigma in requesting this kind of help or any other personal reason. Regardless of the reasons for the underuse of these services, governmental and community organisations have an obligation to fulfil their responsibilities in providing support to these children.

the majority of children who participated in the survey reported that they had not been visited by a probation officer while in custody

¹⁴ Juvenile Protection Act 1954, Article 16.

¹⁵ Two of these probation officer are working under 3 year contracts with Terres des Hommes.

International standards set out children's rights to psychological and social support at various stages of the criminal process. Under the Convention on the Rights of the Child, all children have the right to enjoy the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation, a right that the Committee on the Rights of the Child has explicitly recognised in the criminal justice context with regards to mental health services.¹⁶ Professionals who work with children in the justice system should be well informed about the adolescent's physical, psychological, mental and social development as well as about the special needs of the most vulnerable children, particularly displaced children, street children and those with disabilities.¹⁷ Children held in detention facilities have the right to be examined by a physician upon admission and should be provided the health facilities and services of the community.¹⁸

The Guidance and Training Centre for the Child and Family, located in Bethlehem, offers specialised psychological services for children and deals with 500 children annually. However, there is no referral mechanism in place to work with the justice system and the centre does not specifically target children in conflict with the law. During an interview with the research team, a representative of the centre spoke of an urgent need for an organisation to provide psychological and social services for children in conflict with the law, particularly refugee children.¹⁹

The minimal provision of these services was frequently highlighted during the focus groups and interviews with juvenile justice professionals conducted during this study. Participants focused on a range of factors, from the lack of specialised programmes to prevent children coming into conflict with the law in the first place to the lack of specialised services to work with children when they are released from detention.²⁰ Other commentators noted that services that are available are concentrated in the larger cities such as Ramallah and Jerusalem, and are not able to cover smaller towns such as Bethlehem. Participants in focus groups who work in Bethlehem's refugee camps were particularly concerned about how this void of services impacted refugee children.

16 UN Convention on the Rights of the Child, Article 24(1); UN Committee on the Rights of the Child, General Comment No. 15, paragraph 39.

17 UN Committee on the Rights of the Child, General Comment No. 10, 25 April 2007, paragraph 40.

18 UN Committee on the Rights of the Child, General Comment No. 10, 25 April 2007, paragraph 89.

19 Interview with Ms. Fadia Saleh, director of finance and administration at the Guidance and Training Centre for the Child and Family.

20 Interview with Najji Odeh, representative of Laylac Organisation. Laylac is a grassroots organisation specialised in alternative education and the empowerment of children and young people in the Deheisheh Refugee Camp. The organisation is part of the Palestinian Network for Child Protection.

Detention centres and rehabilitation programmes for children: Dar al-Amal

Dar al-Amal is the only institution in the West Bank working to rehabilitate boys in conflict with the law. Established in 1954 in Ramallah, the organisation was incorporated into the ministry of social affairs in 1994. The centre detains children pre-trial and after sentencing, though children are not separated according to their age, the offence for which they are detained or whether they have been sentenced. According to Mr. Ahmed Dgrh, acting director of Dar al-Amal, the organisation can host between 25 and 30 children at a time. The Dar al-Amal Foundation operates educational, psychological, rehabilitative and vocational training for children with the aim of reintegrating children back into society.²¹

“Dar al-Amal is not enough to accommodate all the children. We stress the need to establish foster care centres in the south and the north. No care and follow-up services are provided to children post trial and after ending the period of penalty. There is an urgent need to develop the legal and psychological assistance provided to children in conflict with the law. There is a need for the establishment of institutions of civil society and to integrate them within the government sector of juvenile justice.”

- Mr. Salim Qawariq, director of the department of social defence (the probation officers' director). The ministry of social affairs.

None of the children who took part in the questionnaire conducted as part of this study had any experience of the Dar al-Amal Foundation. During an interview, Mr. Dgrh explained that the difficulty in transporting children to the Ramallah Governorate from other areas of the West Bank, particularly the need to coordinate the transfer with Israeli authorities, could cause delays of two to three weeks, which results in children being detained in jails and police stations rather than being transferred to more specialist facilities. Chief Judge of Bethlehem, Awni Albarbrawi, also reflected on the role of Dar al-Amal commenting that “having only one care organisation creates difficulties for transportation, which prolongs the judicial proceedings in juvenile courts, that are supposed to be quick.”²²

21 Interview with Mr. Ahmad Dgrh, acting director of Dar al-Amal conducted on 2 December 2013.

22 Interview with Chief Judge of Bethlehem, conducted on 30 December 2013.

“there remains a lack of clarity in the roles and responsibilities of the various officials, organisations and services involved in juvenile justice”



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In December 2011, the Palestinian Counselling Centre – an organisation of psychologists, sociologists and educational experts working to improve mental health in the Palestinian Territories – conducted a review of the services provided by the Dar al-Amal Foundation and the House Care for Girls facility, and concluded that Dar al-Amal conducted no effective programmes.²³ The study found an absence of clear and written intervention plans, a lack of counsellors, psychologists and social workers and an inability to assess and develop plans. According to the report the process of monitoring and evaluation was unprofessional, unsystematic and if conducted at all was not organised nor documented. Reflecting the findings of the study, during an interview Mr. Salim Qawariq, director of the department of social defence at the ministry of social affairs commented that, “the potential of Dar al-Amal is modest and its rehabilitative programmes are inadequate and primitive.”

3. Communication and referral mechanisms

Children in conflict with the law in the Occupied Palestinian Territories have received increased attention over the last five years in response to increasing support for creating a specialised juvenile justice system. Despite the introduction of draft laws and new structures, however, there remains a lack of clarity in the roles and responsibilities of the various officials, organisations and services involved. This confusion is immediately obvious in the conflicting laws and strategic plans of the ministry of justice on the one hand and the ministry of social affairs on the other. Ms. Samah Sawalha, officer of the department of juvenile justice at the ministry of justice confirmed this difficulty: “there is a real need to create a juvenile justice system. Definitely there are some difficulties in this ... there are some people who oppose the intervention of the ministry [of justice], however, fortunately, there are others who seek to make the ministry play a leading role in the development and leadership of the juvenile justice system.”²⁴

Child protection networks

In 2006, five child protection networks were established with the aim of coordinating the activities of child protection professionals, including medical personnel, lawyers, representatives of non-governmental organisations and community organisations. Three of these networks are affiliated with the ministry of social affairs in the West Bank and Gaza strip, the other two with Defence for Children International-Palestine in Bethlehem and Hebron and are

funded by UNICEF. Another network was established in Nablus in 2008 and placed under the control of the ministry of social affairs in 2008, which manages the referral of children to relevant social services.

Child protection networks have made substantial progress in addressing domestic violence and violence within the community but have been criticised for their limited role in working with children in conflict with the law as well as their poor coordination, which many interviewees said was characteristic of the juvenile justice system in general.

According to Mr Khaled Quzmar, legal consultant at Defence for Children International-Palestine, although child protection networks are present in almost every major city, they are not well coordinated in working with children in conflict with the law. Mr. Quzmar particularly highlighted the lack of coordination within the ministry of social affairs, but nonetheless saw child protection networks as the key to tackling children’s rights within the justice system.²⁵ Several participants in the focus groups undertaken with grassroots organisations in the refugee camps of Bethlehem noted the ineffectiveness of the child protection networks in the provision of psychological and social services to children in conflict with the law. In particular, participants called for a comprehensive approach to children in conflict with the law that addresses legal services but also social services to help reintegrate children after their experience of the justice system.

Mr Na’el Ghannam, legal coordinator at the International Legal Foundation (ILF), also highlighted the coordination problem, reporting that where they encountered children experiencing social and psychological problems the ILF would be likely to contact the relevant services themselves and cover costs rather than engaging the child protection network.²⁶

23 Palestinian Counseling Center: the implementation of the policies of providing psychosocial services in Dar Al-Amal and Girls Center 2011, p 11. Source only available in Arabic.

24 Interview with Ms. Samah Sawalha, officer of the department of juvenile justice at the ministry of justice.

25 Interview with Mr. Khaled Quzmar, the legal consultant at Defence for Children International-Palestine.

26 Interview with Mr Na’el Ghannam, conducted on 26 November 2013.

The role of social workers and counsellors in the governmental and UNRWA schools

In the West Bank, UNRWA provides preparatory education for refugee children up to the age of 14 after which students attend government run schools .

This administrative separation between governmental and UNRWA schools means that social workers or counsellors are affiliated with the UNRWA, the directorate of education or the ministry of social affairs. Several participants in interviews commented on a resultant lack of coordination between state run schools and those managed by the United Nations Relief and Works Agency.²⁷

Interviewees also highlighted the gaps between the police, probation officers and schools. Police data collection does not record whether children are refugees, which means police are not able to inform probation services to follow up the case with the relevant social services, while the lack of systematic communication and coordination between probation and the schools prevents probation services from working effectively with schools themselves.²⁸

The research team were not able to meet with any counsellors at any UNRWA schools, so it is difficult to comment on the problems facing these counsellors. During the interview stage of the research, however, the researchers met with the director of the Palestinian Union of Social Workers and Psychologists in the Bethlehem Governorate, Mr Raed Amira, who had previously worked as an officer for the counsellors in UNRWA schools. He reported that there were only four social workers in Bethlehem covering seven schools, facing a demand which massively exceeded their capacity.

3. Restorative justice

“In criminal justice, restorative processes give victims the chance to meet or communicate with their offenders to explain the real impact of the crime - it empowers victims by giving them a voice. It also holds offenders to account for what they have done and helps them to take responsibility and make amends.”

- The Restorative Justice Council²⁹

Restorative justice and diversion measures are almost entirely absent for children in conflict with the law in the Bethlehem Governorate; certainly this study found no evidence of systematic or official programmes. Nonetheless, it is worth looking at the role that restorative justice could play in the Palestinian legal system.

Restorative justice has received an increasing focus internationally as a way of holding people responsible for the criminal offences they commit, but in a way that promotes reconciliation. Restorative justice is based on two basic aims: repairing the harm caused by offending and reintegrating the offender back into society. There is a particular emphasis on contact between the offender and the victim. By facing the impact of an offence on a victim, an offender can understand the impact of his or her actions and the victim can gain closure on what may have been a traumatic experience. Unlike tribal conciliation the aim is not to take a punitive or deterrent approach, but to focus on reconciliation.

The aims of restorative justice are particularly suitable for children in conflict with the law as it seeks to hold a child responsible for his or her actions while eschewing a punitive response. This separation of responsibility from criminalisation sets out a way of dealing with children who commit offences that takes account of their rights, takes account of the complicated reasons that they offend and tries to address the underlying causes of offending.³⁰ The UN Committee on the Rights of the Child has stated it's clear support for restorative justice as a development of the best interests of the child in the criminal justice system.

“The protection of the best interests of the child means, for instance, that the traditional objectives of criminal justice, such as repression/retribution, must give way to rehabilitation and restorative justice objectives in dealing with child offenders. This can be done in concert with attention to effective public safety.”

- UN Committee on the Rights of the Child, General Comment No. 10

Studies on the effectiveness of restorative justice have shown that it can substantially decrease reoffending, particularly among children and young adults. A Canadian study comparing re-conviction rates between young adult offenders found that 11 per cent of those who had undergone restorative

27 Interview with Mr Raed Amira, director of the Palestinian Union of Social Workers and Psychologists in the Bethlehem Governorate, conducted on 8 January 2014.

28 Interviews with Mr Salim Qawariq and Ms Nuha Abu Eisha.

29 The Restorative Justice Council, What is Restorative Justice? Available at: http://www.restorativejustice.org.uk/what_is_restorative_justice/.

30 For more information on the separation of responsibility from criminality, see Child Rights International Network, Stop Making Children Criminals, 29 January 2013. Available at: www.crin.org/node/31378.

justice sentences reoffended within two years compared to 37 per cent of those who served a prison sentence. A report published in 2007 collected the results of studies conducted internationally on the effectiveness of restorative justice and found that restorative justice appeared to be more effective for more serious offences, particularly those involving violence.³¹

The evidence is that restorative justice reduces reoffending and respects the rights of children involved in the justice system, which makes it a serious deficit in the Palestinian justice system that it has not even introduced pilot programmes.

Forms of restorative justice³²

Mediation between the offender and the victim.

Commonly used as an alternative to prosecution, mediation between the victim and offender is used as a way of reconciling the victim with the offender. The parties meet with a mediator who helps both parties to understand the consequences and circumstances of the offence and to come to a mutually acceptable plan to address the harm. The outcome might be compensation for damage caused during a burglary or some form of community service.

Family conferencing. The victim, offender and their respective families meet with police officers and social workers. The meeting provides all parties the opportunity to describe their experiences and the consequences of the offence to build an understanding of the harm caused and to find an appropriate resolution. The court can oversee the conference to make sure that any outcome is legally sound.

Victim impact panels. A group meeting is organised between offenders who have committed similar offences where they give an account of the impact that their offence has had on their lives and the lives of their families and friends. Victims of similar offences also take part, though not the victims of the offenders present.

Community reparative boards. Boards made up of trained community members conduct a public meeting with the offender to discuss the offence and the harm caused. The board develops an agreement with the offender as to the

penalty. The board meets again at a time set during the initial meeting to carry out any follow up. By involving the offender in the sentencing process, the mechanism aims to create ownership of the outcome.

“Circle sentencing”. This form of restorative justice combines traditional justice rituals with the formal criminal process. The victim, offender and family or support group take part in a hearing with a judge, defence lawyer, prosecution, police and members of the community involved in the case. Together, members of the panel devise an appropriate sentencing plan which can include imprisonment among other measures.

All of these forms of restorative justice require the victim and offender to be willing to take part in the process.

³¹ Sherman, Lawrence W., and Strang, Heather, *Restorative justice: the evidence*, Esmée Fairbairn Foundation and The Smith Institute, 2007, Tables 1 to 5.

³² For more information on these forms of rehabilitative justice and examples of their use around the world, see Special Representative of the Secretary-General on Violence Against Children, *Promoting Restorative Justice for Children*, 2013. Available at: http://srsg.violenceagainstchildren.org/sites/default/files/publications_final/srsgvac_restorative_justice_for_children_report.pdf.

PART IV

CONCLUSIONS, RECOMMENDATIONS AND FOLLOW-UP

This study has found a void in the provision of legal, social and psychological services for refugee children in conflict with the law. Inadequate national legislation exists to protect the rights of children in conflict with the law, a problem compounded by the insufficient services to meet the needs of these children and the shortage of skilled professionals in the Bethlehem Governorate.

These findings lead us to conclude that there is a need for a multidisciplinary approach to these problems. In some of these areas, Shoruq is in a position to address these recommendations and so will be developing its programmes in response to this study.

Legal reform.

Palestinian law on juvenile justice falls short of international standards and violates the rights of children who come into contact with the justice system. Many organisations are active in lobbying and advocacy to combat violations of children's rights in the Occupied Palestinian Territories, whether by Israeli forces, under the Palestinian Authority, through legislation, marginalisation or violence. However, there is a lack of advocacy for legal reform specifically on behalf of refugee children in conflict with the law that takes account of their unique vulnerabilities and needs. In particular, there is a need to:

- legislate to implement the Palestinian Child Law;
- enact the Draft Law on Juvenile Justice and the the Draft Law on the Legal Assistance Fund;
- introduce legislation to ensure that all children in conflict with the law are entitled to free legal assistance regardless of the charge they face;
- introduce legislation to raise the minimum age of criminal responsibility;
- incorporate the UN Convention on the Rights of the Child into national Palestinian law;

Legal services.

The study found that a large proportion of refugee children in conflict with the law have not received the legal support they need and to which they are entitled. As a result they are denied their rights and left vulnerable to violence and abuse. There is a need to expand the number of specialist lawyers working with children in conflict with the law.

There is also a need to provide training to professionals, particularly police, prosecutors, defence lawyers and judges, on the rights and treatment of children who come into conflict with the law.

Educational services

Coming into conflict with the law disrupts the education of children, particularly refugee children, with long term effects on child's future. There is a need to provide services to ensure that a child's education continues while children are involved in the justice system and to follow-up with children when they are released to ensure that their education continues.

Social services.

The study found that there were not enough probation officers or child protection counsellors to provide children with the support that they need. There is a need to increase the number of probation officers and child protection counsellors working with children and to ensure that they have sufficient funding and resources to fulfil their role.

Psychiatric and mental health services.

Children in conflict with the law emerge from the justice system in need of counselling services to support their reintegration into the community, a need that is not being met. Many of the professionals interviewed during this study called for such services and welcomed the proposed involvement of Shoruq in developing these services to target refugee children. There is also a need to for further research conducted from a psychological perspective to analyse the needs of refugee children as they leave the justice system.

Coordination of organisations and professionals working with refugee children in contact with the law.

This study repeatedly found that poor coordination between the organisations, agencies and professionals working with children in conflict with the law has hindered their ability to effectively address the needs of these children, a problem that is exacerbated for refugee children. There is a need to reinvigorate child protection networks to ensure that they effectively coordinate service provision for children in conflict with the law as well as to include organisations that work with refugee children to ensure that the unique situation of these children is taken into account.

Data collection and further research.

The information currently available on refugee children in conflict with the law across the Occupied Palestinian Territories is insufficiently detailed to assess their needs and to implement the services necessary. This study has contributed to the information available for the Bethlehem Governorate, but further research is necessary. The failure to record whether children within the justice system are refugees undermines the ability of juvenile justice services to address the needs of individual children affected and to evaluate whether law, polices and services are effectively addressing the needs of refugee children in conflict with the law more generally.

In particular, there is a need for research that focuses on girls within the justice system and children involved in conflict with the law before Shariah courts.

Restorative justice and diversion.

There is an almost complete absence of restorative justice and diversion programmes in the Bethlehem Governorate. Given the compelling evidence of the effectiveness of these mechanisms, pilot programmes should be instituted with a view to adopting systematic child friendly justice programmes.

Follow-up on the Study

One of the aims of this study was to analyse the needs of refugee children in conflict with the law so that Shoruq Organisation could use this information to inform its work with these children. As a grassroots organisation based in the largest refugee camp in Bethlehem, Shoruq is well placed to work with local children both in the legal system and in the community. Organisations and professionals welcomed the involvement of Shoruq, noting a niche that the organisation could fill in providing support to refugee children.

In response to these findings, Shoruq has launched a pilot legal clinic programme in the Dheisheh Refugee Camp that will provide legal assistance and representation to refugee children in conflict with the law as well as the social and psychological support necessary for these children to reintegrate after their involvement with the justice system. In conjunction with CRIN, Shoruq will document and publish a case study on its experience of establishing and running this clinic as a means of providing information and support to other organisations working with refugee children conflict with the law.

As a way of addressing the lack of coordination on services for refugee children in conflict with the law in the Bethlehem Governorate, Shoruq's legal clinic became involved with family protection units within Dheisheh Refugee Camp and hired a social worker to coordinate with the various organisations and entities involved in the cases of clients of the clinic.

The partnership between Shoruq and the Child Rights International Network (CRIN) will enable both organisations to lobby for legal reform at the national and international level.

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ANNEX I

INTERNATIONAL, REGIONAL AND NATIONAL STANDARDS ON JUVENILE JUSTICE

An extensive collection of treaties, conventions, rules, standards, resolutions and guidelines apply to juvenile justice. This annex sets out those rules provides a comprehensive list of the standards that apply to children in conflict with the law.

International treaties and conventions

- UN Convention on the Rights of the Child
- See UN Committee on the Rights of the Child, General Comment No. 10 on children's rights in juvenile justice for commentary on the CRC's juvenile justice provisions.
- International Covenant on Civil and Political Rights
- UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

UN Rules and Guidelines

- UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (1985)
- UN Guidelines on the Prevention of Juvenile Delinquency (Riyadh Guidelines) (1990)
- UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules) (1990)
- UN Guidelines for Action on Children in the Criminal Justice System (Vienna Guidelines) (1997)
- Guidance Note of the Secretary-General: UN Approach to Justice for Children (2008)
- UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012)
- UN Standard Minimum Rules for the Treatment of Prisoners (1955)
- UN Standard Minimum Rules for Non-custodial Measures (Tokyo Rules) (1990)
- UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005)
- UN Rules for the treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules)

UN Human Rights Council

- UN Human Rights Council Resolution on Human Rights in the Administration of Justice, in particular Juvenile Justice (2011)
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Other international standards

- Code of Conduct for Law Enforcement Officials (1979)
- Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment (1988)
- Guidelines on the Role of Prosecutors (1990)
- Basic Principles for the Treatment of Prisoners (1990)
- Basic Principles on the Use of Restorative Practices in Criminal Matters (2002)
- Basic Principles and Guidelines on the Right to a remedy and Reparation (2005)
- Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (2011)

Regional treaties and standards

- Arab Charter on Human Rights

National legislation

- Palestinian Basic Law of 2003.
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