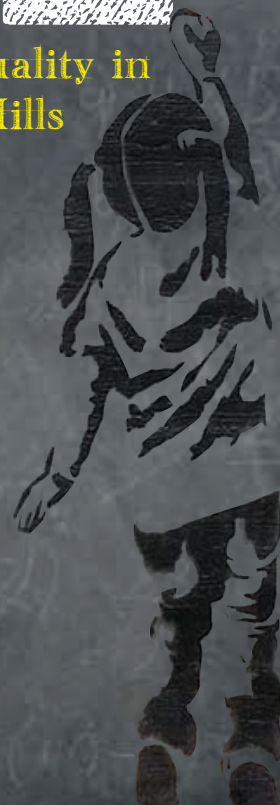




MA'AN Development Center

EDUCATION **UNDER** FIRE

Questions of Access and Quality in
the Southern Hebron Hills



Education Under Fire:

Questions of Access and Quality in the Southern Hebron Hills

Whilst access to education in the occupied Palestinian territories (oPt) has experienced important progress in line with international goals for the improvement of education systems worldwide, the Israeli occupation presents systematic obstacles to the full realisation of child rights in this regard. Within Area C of the West Bank, these obstacles are often intensified due to the particular administrative and other restrictions imposed by occupation forces upon Palestinian development in this zone. With a particular focus on the Southern Hebron Hills, this study explores some of the key reasons behind the comparatively poor state of the education sector in this area.

The Internationally Protected Rights of the Child

Within conflict situations, children often bear the brunt of the tension; whether in the form of direct engagement in warring such as in the case of child soldiers, being caught in the 'crossfire' as particularly vulnerable members of society, or with regard to their heightened experience of the poverty that can be enflamed by such conflicts¹. Due to these realities, their fundamental rights as children are often violated. Most notably, these rights are set out in the UN Convention on the Rights of the Child (CRC)² that entered into force in 1990, and which reflected a shift in the way that children were perceived around the world. Rather than continuing to be largely viewed as passive persons in conflicts, and passive recipients of adult charity and care, children began to be considered under international law as human beings inherently capable of making decisions, contributing to peace, and playing the leading role in their own development.

The CRC is the chief convention outlining the principles that must be adhered to in order for children (those under the age of 18) to be able to survive, develop, participate and realise their full potential. It includes such stipulations as the right to play and leisure, freedom from child labour and sexual exploitation (whether forced or free), protection against detention in adult jail systems and the right to transparent juvenile justice that considers their age and situation, governmental protection from all forms and origins of violence, and the right to free primary education and adequate availability of secondary education.

1) International Bureau for Child Rights (2010) 'Children in Armed Conflict' ICBR: Montreal, Canada.

2) Office of the High Commissioner for Human Rights. (1990). 'UN Convention on the Rights of the Child'. See Annex 1.

Legal Liability: Israeli violations against child rights in the oPt

Israel ratified the CRC in 1991 without reservation; yet today's reality of child arrests, exploitation, torture, and ongoing denial of the right to play and of access to education (among other violations) for Palestinian children in the State of Palestine reflects Israel's flagrant disregard for its important obligations under international law. Indeed, the common treatment of Palestinian children by Israeli Occupation Forces (IOF) has been condemned both domestically and upon the international stage as comprising clear violations of the CRC³. Notably, the United Nations⁴ (UN) has heavily criticised Israel for its persistent unwillingness to provide the Committee on the Rights of the Child with information and access in order for it to properly assess the state's implementation of the convention, as well as for its unwillingness to provide birth certificates (and therefore, official identification) to children in the oPt, for frequent child arrests, detentions and prosecutions, and for the associated verbal and physical violence inflicted upon children in detention (which has included hooding of the face and neck in a sack, death threats, and restricted access to toilets, food and water often for months on end during detention). The UN's 2013 report⁵ on these matters also found that Israel had almost entirely disregarded the recommendations of the committee regarding child rights between 2002 and 2012, suggesting the ongoing, institutionalised nature of these violations, with little effort being made to remedy this poor track record.

Ensuring education, worldwide.

In contribution to the realisation of the right of all children to education enshrined in the CRC, the Millennium Development Goals (MDGs) have played a vital, guiding role. Developed in 2000 at the UN Millennium Summit, the MDGs are comprised of eight progressive goals to be achieved by 2015 that, combined, seek to reduce poverty and increase opportunity and access to critical resources in the world's most underdeveloped regions. The goals range from eradicating extreme poverty and hunger (goal 1), to combatting HIV/AIDs, malaria and other diseases (goal 6), to ensuring universal access to primary education (goal 2).

This report is primarily concerned with goal number 2, through which it is hoped that children worldwide can finally obtain the means by which to have their right to education upheld. To date, there has been strong progress towards achieving this goal at the global level, with 93% of children in the Middle East now enrolled

3) Examples of this condemnation include those contained within: A2012 legal report written on behalf of the British Government (UK Foreign & Commonwealth Office (2012) 'Children in Military Custody', June. Available: http://www.childreninmilitarycustody.org/wp-content/uploads/2012/03/Children_in_Military_Custody_Full_Report.pdf); Defense for Children International - Palestine, various publications including (2008) 'The systematic and institutionalised ill-treatment and torture of Palestinian children by Israeli forces', available: <http://www.dci-palestine.org/sites/default/files/cpreport.pdf>; Amnesty International (2013) 'Israel: blind to violations, deaf to obligations'. Israel's human rights record: amnesty international updated submission to the UN universal periodic review, September 2013. Available: <http://www.amnesty.org/en/library/asset/MDE15/015/2013/en/6338b6fa-5ffe-4b34-a890-8c382807bca5/mde150152013en.html>.

4) See: United Nations Committee on the Rights of the Child (2013) 'Concluding observations on the second to fourth periodic reports of Israel, adopted by the committee at its sixty-third session (27 May - 14 June 2013)'. CRC/C/ISR/CO/2-4..

5) Ibid.

in primary school, compared to only 84% prior to the start of the MDGs⁶. Despite this improvement, it is important to note that of the 58 million children worldwide who are still not attending school, more than half live in conflict-affected areas, such as the oPt⁷. Thus, the relationship between education access and contextual stability is important if we are to achieve the goal of education services for all children, worldwide.

Education under occupation

In the case of education in the West Bank and Gaza Strip, good progress has been made towards achieving MDG 2. In the 2013/14 school year, there were 1,009,639⁸ children enrolled in primary school across the oPt; this is an enrolment rate of approximately 93.8%⁹, and constitutes an enormous increase since the 1990s, in which only 68.9%¹⁰ of school-aged children attended primary school. This is one of the highest increase rates seen during the MDG period in the Middle East region¹¹. Another clear indicator of strength in equitable access to education can be found in the gender balance that is present across the board for children enrolled in primary school, with 49.5% of students in 2013/14 in the oPt being females¹².

Criticisms of the MDGs: quantity versus quality.

Despite these undoubtedly impressive gains in primary education access during the MDG years in the oPt, the goal of education access for all children itself has been criticised in recent years due to the way it frames the issue at hand. Specifically, commentators have reasoned that the original construction of *access* to education as the overarching goal was not nearly good enough to achieve sustainable results. In January 2014, the UN reported¹³ that 125 million children worldwide were still unable to write a single sentence, even after four years of school attendance. They added that this had effectively caused the wastage of \$129 billion annually in educational funding per global school year. Further, the report noted that only 75% of teachers are currently trained according to national standards. With these concerns in mind, and as we approach the final year before the expiration of the MDGs (which are to be achieved by the end of 2015), it has become clear that this important task of global education access should remain concerned with *quality*, instead of focussing so heavily on *quantity*.

6) UN (2014) 'Millennium Development Goals Report 2014', UN: New York.

7) Ibid.

8) Palestine Ministry of Education (2014) 'Number of Students in Schools by Region, Supervising Authority, Stage and Sex, 2013/2014'. Available: http://pcbs.gov.ps/site/lang_en/708/default.aspx.

9) Palestine Central Bureau of Statistics (2013) 'Palestine in Figures'. Available: <http://www.pcbs.gov.ps/Portals/PCBS/Downloads/book1967.pdf>


10) 68.9% in the 1994/95 school year. Palestinian Central Bureau of Statistics (2012) 'Palestinian Children: Issues and Statistics, Annual Report'. No. 15. Ramallah, Palestine.

11) UN (2014) 'Millennium Development Goals Report 2014', p 16, UN: New York.

12) Palestine Ministry of Education (2014) 'Number of Students in Schools by Region, Supervising Authority, Stage and Sex, 2013/2014'.

13) United Nations (2014) 'The Millennium Development Goals Report 2014'.





For the education sector in the oPt, the present reality largely follows this unfortunate global narrative of impressive gains in ‘quantity’ (access), without necessarily ensuring parallel advancement in ‘quality’. In the case of the oPt, it is widely agreed that the fundamental reason behind impeding of sustainable development in this regard is, of course, the persistence of Israel’s belligerent occupation of the West Bank and its blockade and regular military bombardment of the Gaza Strip. Commenting specifically on progress made towards education as a pillar the eight MDGs, the United Nations Development Programme noted that “nothing short of an end to the occupation and the emergence of a sovereign State of Palestine will create the necessary conditions for significant further progress”¹⁴.

In an effort to draw increased attention to the areas most intensely affected by the occupations’ persistent interference with education access and quality in the oPt, the following discussion intentionally focuses on Area C of the West Bank and, more specifically, on an area known as the South Hebron Hills.

Education in Area C: The Southern Hebron Hills

Education access in Area C is particularly challenging, due in large to the unique administrative challenges that apply. The entire area (which encompasses 60% of West Bank land) is subject to total Israeli planning, zoning and security decisions. Because of this, it is required for Palestinians in Area C who are seeking to develop new infrastructure - or even those wishing to make repairs to existing facilities - to apply for a construction permit from the Israeli Civil Administration before undertaking any work. Without this prior approval, any and all structures are subject to default demolition by Israeli Occupation Forces. Between 2000 and 2007, 94% of such applications from Palestinians in Area C were rejected by Israel¹⁵.

Yet, within this impossible framework of an Israeli monopoly on developmental power, the PA (according to the Oslo Accords¹⁶) remains fully responsible for social services, including educational services delivered through the Palestinian Ministry of Education and Higher Education (MoEHE). This means that, while the onus is on the PA to deliver such services, they have very little room to manoeuvre in reality due to their inability to, for example, build or even upgrade schools, health clinics and other critical infrastructure without Israeli permission. As can be deduced, this systematically obstructs the provision of adequate education services in Area C communities.

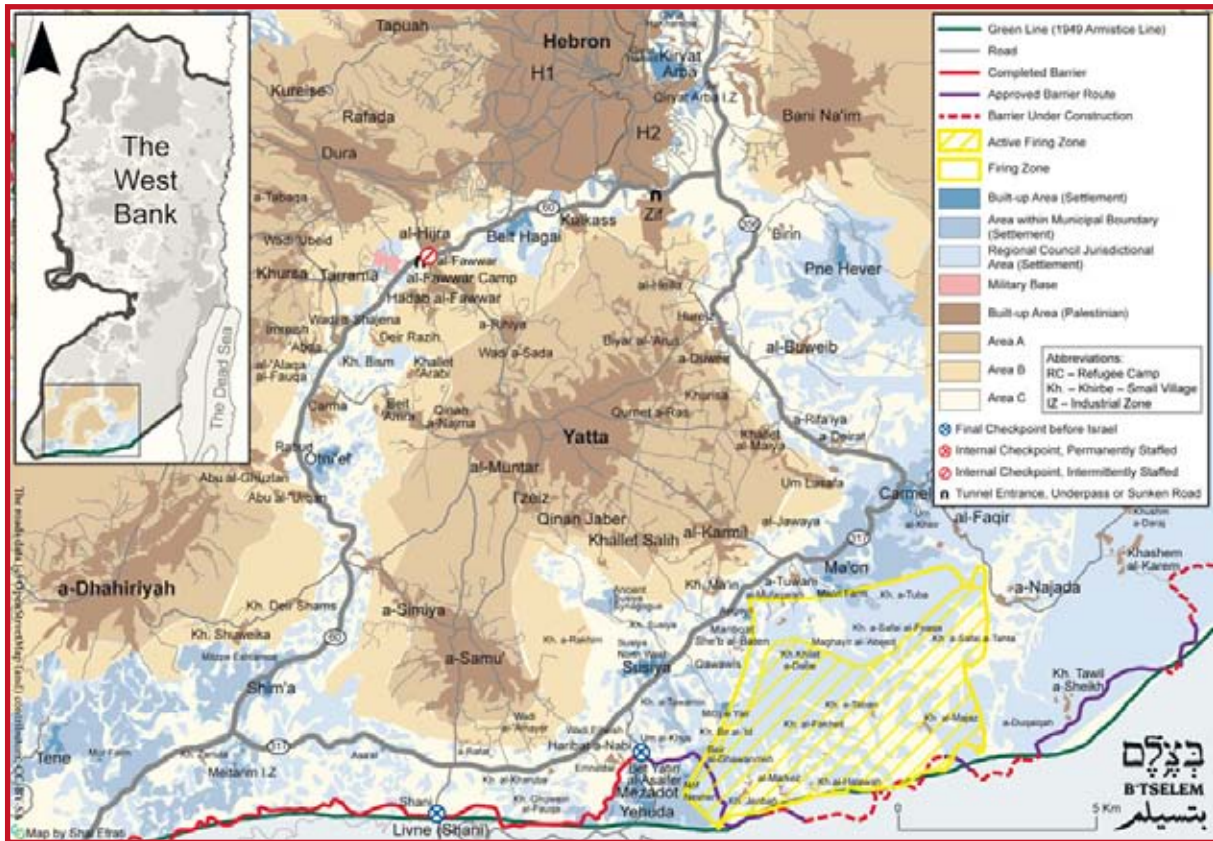
In the South Hebron Hills, a region mostly classified as Area C and located in the southern portion of the West Bank (see Map 1), these general challenges for

14) UNDP (2009) ‘MDG Attainment in the Palestinian Context’, UNDP Programme of Assistance to the Palestinian People. Available: <http://www.undp.ps/en/mdgs/mdgopt.html>.

15) United Nations (2013) ‘Occupied Palestinian Territory Consolidated Appeal’.

16) See B’Tselem (2013) ‘What is Area C?’. Available: http://www.btselem.org/area_c/what_is_area_c.

the education sector are intensified. Arguably, this intensity is largely due to the pressures created by a large and dense population of radicalised Israeli settlers living in close proximity to Palestinian villages, as well as the all-encompassing Israeli prohibitions upon Palestinian development and movement.



Map 1: The South Hebron Hills in the south of the West Bank, oPt¹⁷.

To further explore this, this study focuses specifically on three main factors that impact negatively upon the current quality of primary education in the region; the first is a lack of adequate teaching ‘infrastructure’, which includes both the teacher training aspect, as well as the physical nature of the classroom environment that is restricted by the ‘C’ classification. The second relates to insecurity in the classroom as well as the wider community due to the well-documented interference of Israeli occupation forces and settlers. Finally, the third factor is concerned with child and parental perceptions of long-term prospects following basic education, and the impact of this upon drop-out rates and child labour which, in the Southern Hebron Hills, maintain some of the highest levels in the entire oPt.

17) B’Tselem (2013) ‘The Southern Hebron Hills and Firing Zone 918’.



Infrastructure



Classroom Infrastructure and Equipment

Currently, there are a total of 208 schools in the Southern Hebron Area, including those run by the Ministry of Education, as well as UNRWA and private schools. A total of 146 of these are primary or basic level schools that serve a total of 63,571 children from first to tenth grade¹⁸. Unfortunately, the physical infrastructure of the majority of these classrooms and school grounds is inadequate to meet the full needs of the children in attendance. This is predominantly due to the prohibitive restrictions that the State of Israel has applied to the development of all permanent structures in Area C, as discussed previously. For this reason, in 2010, it was estimated that more than 10,000 children across Area C carried out their school year in tents, caravans and tin shacks¹⁹.

Within this framework, schools in the area struggle to provide sufficient resources and good learning spaces for their students. For example, one in three government schools in South Hebron has inadequate water and sanitation facilities and does not meet basic national safety and hygiene standards. This often prohibits attendees - with a particular emphasis on female students and staff - from achieving normal attendance rates throughout the school year.

Further, only 59% of schools in the South Hebron Hills are connected to a water network, while 16% rely on tanked water purchased at extortionate prices, and 25% make use of pre-existing groundwater wells, for which it is understood that repairs and maintenance can never be made should they falter, due to Israeli restrictions. These figures reveal a level of water insecurity in South Hebron schools that is the highest of any directorate in the West Bank. Additionally, 1.9%

18) Palestine Ministry of Education (2014) 'Number of Students in Schools by Region, Supervising Authority, Stage and Sex, 2013/2014'.

19) UNICEF (2010) 'Palestinian children deprived of basic rights to education', press release 15/09/10, available: http://www.unicef.org/media/media_56025.html.

of schools in South Hebron are not connected to any electricity network, while all other directorates were fully connected as of 2014. Of the schools that are connected, power is often intermittent and therefore unreliable²⁰.

Teacher Training

This lack of electricity in turn affects the percentage of schools able to make use of computers, science laboratories, internet spaces, and other specialised resource pools. While the prevalence of such resources has increased significantly amongst schools in recent years, the MoEHE also notes that lecturing and rote learning are still the predominant teaching and learning methods used in schools²¹. To remedy this, teachers require critical training in how to use these resources so as to increase the quality of the education being delivered.

Beyond the case of electronic resources training, the more general lack of accredited, trained teachers is indeed a significant impediment to the roll-out of quality education services across all subjects and schools in the oPt. In 2000, just 45.4% of all teachers (38.2% of female, and 49% of male teachers) across the West Bank and Gaza had a teaching license that met national standards²². According to UNESCO²³, this issue persists in the West Bank today, where the rapid expansion of the education system to accommodate increased enrolment rates among children in the preceding decade has meant that quality assurance and teacher training has not taken priority.

Insecurity

Raids, Arrests & Settler Violence

A further contributor to the weakened education quality that exists in the South Hebron Hills is the frequency with which the IOF conducts raids within schools. According to a study conducted by Birzeit University on children's experience of schooling in the West Bank and Gaza, 45% of children have experienced the besieging of their school by military forces, 25% of children have been shelled or fired upon, and 18% of pupils have had one or more of their schoolmates killed by occupation forces²⁴. This severely undermines stability and security in the learning environment.

20) Palestine Ministry of Education (2014) 'Number of Students in Schools by Region, Supervising Authority, Stage and Sex, 2013/2014'.

21) MOEHE (2008) 'Education development strategic plan 2008-20012'. July 2008.

22) UNESCO (2000) 'Part Two: Analysis of the Palestinian education status in the second period', *The EFA 2000 Assessment Country Reports*, The Palestinian Authority.

23) UNESCO (2011) 'World Data on Education: Palestine'. 7th edition. Available: http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Palestine.pdf.

24) As cited in UNICEF (2008) 'State of Palestine: Education', available: <http://www.unicef.org/oPt/education.html>.



Further to this, Defence for Children International Palestine (DCI-P)²⁵ estimates that 500 to 700 Palestinian children are arrested and detained each year by Israeli forces. These arrests have a two-fold negative outcome; on the one hand, children who are arrested are routinely denied access to education during their detention periods, despite the legal requirement for the Israeli Prison Service to ensure that learning schedules are not abandoned. In Ofer prison near Ramallah where many arrested children from the south serve out their sentences, the lack of textbooks and remedial classes have led some children to organise informal classes amongst themselves, with English, Arabic and Hebrew classes taught for three hours daily by adult prisoners. While this offers a kind of educational routine during detention, children often lose motivation for their studies following their release due to the psychological damage that is inflicted upon them throughout their ordeal²⁶. According to the MoEHE, any child who misses more than 60 consecutive days of school is required to repeat the academic year, regardless of the circumstances that caused their absence. For this reason, many children who are released prefer not to go back to school due to feelings of embarrassment associated with having to join the class below them. Instead, many simply prefer to stop school and begin working.

Finally, the often long distances that Palestinian children must travel to school on foot each day regularly exposes them to settler violence that can occur along the way. According to the South Hebron Directorate of the Ministry of Education,

25) DCI-P (2013) 'Arrested Development of Palestinian Child ex-Detainees', available: <http://www.dci-palestine.org/documents/arrested-development-palestinian-child-ex-detainees>.

26) For more on this issues, see: Save The Children (2012) 'The Impact of Child Detention: Occupied Palestinian Territory', available: <http://resourcecentre.savethechildren.se/sites/default/files/documents/5720.pdf>.

“mothers in the South Hebron area are often fearful of sending their children to school – especially young girls – due to their vulnerability to the settler attacks that frequently occur along the lengthy routes that they must walk to their schools in neighbouring villages. Because of this, some parents simply choose to keep their children at home instead²⁷”. In response to these attacks, the Child Rights Committee of the Knesset established a military escort program in 2004 for Palestinian children who must travel particularly dangerous routes to school (such as those that require them to walk in between multiple settlement outposts). Yet, despite the legal requirement for the military to protect the children in these cases, negligence in their daily operations have exposed the children to risk.

The escort for the children from Tuba village to Tuwani school in south Hebron during the first half of the 2013-14 school year provides a good example of this negligence: on six out of 132 school days the escort was missing, while on 50% of days the escort arrived late, causing the children to miss morning classes, or arrive home late. Additionally, the lateness often means that the children must wait in dangerous places while the soldiers arrive, such as directly in the middle of the Ma’on and Havat Ma’on settlements, where attacks frequently occur. For these reasons and others, on 96% of school days it was found that the escort did not fulfil its protective mandate, exposing the children to settler violence on their way to and from school²⁸.

Combined, military negligence in their protective mandates, the impact of arrests and detentions of school-aged children, as well as the disruption to learning caused by military raids within and in the areas surrounding schools has decreased the quality of education in the South Hebron Directorate.

Drop-outs and long term prospects

For both male and female students across the oPt, there persists a chronic drop-out issue, particularly when students move beyond the fifth grade. The South Hebron Hills directorate maintains the highest drop-out rates in the entire oPt, with almost two in every 100 students leaving primary school before they reach grade ten. Noteworthy is that the drop out rate for boys is significantly higher than for girls, resting at 2.1% and 0.9%, respectively.

Class segregation & early marriages

For girls, the reasons behind the comparatively high drop out rate in the South Hebron Hills are wide and varied. Yet, according to Ayed Asfour, Vice Minister and spokesperson for the Ministry of Education in South Hebron, the major motivations behind these troubling figures are the prevalence of early marriages, as well as limited opportunities for gender sensitive class segregation at the time


27) Ayed Asfour... 22/10/14. Interview MAAN Development Centre.

28) Operation Dove (2014) ‘Military escort misconduct exposes Palestinian children to risk on their way to and from school’, press release 9/4/14, available: <http://www.operationdove.org/?p=1139>.

of female puberty²⁹. According to the Ministry, in the 2013-14 school year 122 girls from the directorate at the primary level left school in order to be married. According to Palestinian law, a person's 'legal age' is set at eighteen, meaning that it is only when this age is reached that a person can sign legally binding documents such as marriage certificates. Despite this legal stipulation, the law is frequently ignored in this regard, causing some young girls to miss out on their right to a full education.

The other major reason for female dropouts in the south stems from the lack of infrastructure available for gender segregated schools. In most parts of Palestine, and particularly within the more conservative Bedouin communities such as those that dominate the South Hebron Hills, it is generally preferred for girls and boys to be separated into single-sex classes once they reach the age of puberty (usually around grade seven or eight) to comply with the cultural norms and traditions of the community. However, in Area C, building extra classes to accommodate this need as the school population expands is no easy feat due to the aforementioned Israeli restrictions on development.

Unfortunately, it is often female students that bear the unequal brunt of this reality, as the unavailability of additional classrooms to accommodate this challenge forces many to simply leave school before completing their studies, and to instead assume domestic roles within their family homes. Importantly, in situations where classrooms are available to accommodate female-only classes, the quality of their education remains an issue. For example, one female student, Weroud Helayil from Hathaleen Primary School in the South Hebron Hills, commented that while she and her friends have their own classroom in a temporary unit at the side of the school, their situation is still not ideal:



The girls need an indoor gym. We don't have the privilege of being part of any sort of physical education. We just sit and do nothing, so I wish we had our own place that would be strictly for girls so that we too can play and be comfortable³⁰.

Whilst this may seem trivial at first glance, it should be recalled that children's 'right to play' is specifically enshrined in the UNCRC as a fundamental pillar of development for both boys *and* girls that must be respected. In this manner, whilst gender balance among students in the south is strong with 50.8% of total primary school enrolments being female³¹, the issue of *quality* in equitable education access for girls in primary school is manifest both in the prevalence

29) Ayed Asfour, Vice Minister, 22/10/14. Interview, MAAN Development Centre.

30) Weroud Helayil 22/10/14. Interview, MAAN Development Centre.

31) Palestine Ministry of Education (2014) 'Number of Students in Schools by Region, Supervising Authority, Stage and Sex, 2013/2014'.

of early marriages of girls, as well as their relative inability to access the same education opportunities as their male schoolmates.

Child Labour

For male primary school children, the issue of dropouts is even more concerning with at least 2.1% of boys leaving school before reaching grade ten in the South Hebron Hills in the 2013-14 school year. This exceeds the rate present in any other district in the West Bank and Gaza Strip by almost one whole percent. In the 2011-12 school year, this figure stood at just 0.9%, meaning that this phenomenon is gaining strength at a rapid rate³². In addition to this group, the proportion of children pursuing both primary school and work simultaneously in 2013-14 rested at 2.5% in the West Bank as a whole (3.1% among male children, and 0.2% among females)³³.

Most often, the jobs undertaken by children (both paid and unpaid) involve either contributing to waste collection at dumping grounds, performing construction work in Israeli settlements and, particularly in the South Hebron Hills, metal collections following military training exercises in the infamous Firing Zone 918. The latter of these is the subject of the case study to follow.



Case Study:

Masafer Yatta and Firing Zone 918

Bordering the Green Line at the southern most edge of the West Bank lies a pocket of land that has become integral to life within the communities of the South Hebron Hills. This land comprises an area of 30,000 dunums (30km²)³⁴ that Israel has designated a closed military area, meaning access is forbidden for Palestinian residents. Referred to as 'Firing Zone 918', the closure was announced atop of 12 pre-existing Palestinian communities in this area during the 1980s, resulting in the forced eviction of approximately 1000 people. The Firing Zone effectively annexes Palestinian land in Area C to Israel under the guise of 'Israeli military necessity' (see Map 2), as the IOF sometimes conducts training exercises and weapons testing in the area and deem the area to therefore be unsafe for Palestinians. Interestingly, however, there are three illegal Israeli settlement outposts located in this Firing Zone, severely undermining this military or safety justification at play³⁵.



32) PCBS (2014) 'The Palestinian Child's Day April 5th, 2014' Available: <http://www.pcbs.gov.ps/site/512/default.aspx?tabID=512&lang=en&ItemID=1076&mid=3171&wversion=Staging>.

33) Ibid.

34) B'Tselem (2013) 'Firing Zone 918'. Available: http://www.btselem.org/south_hebron_hills/firing_zone_918.

35) OCHAoPt (2012) 'The humanitarian impact of Israeli-declared 'Firing Zones' in the West Bank'. Factsheet, August 2012.



Map 2: Firing Zone 918 in the South Hebron Hills³⁶.

Yet even in this difficult situation, many Palestinian children have found what they perceive to be an advantage from within the Firing Zone by going to the area after military exercises to collect pieces of left over metal that they can sell to recycling companies. However, like all other forms of child labour, it is a so-called ‘advantage’ that could end up costing them not only their education, but their lives.

Ahmad³⁷ is eleven years old and comes from one of the many villages that border Firing Zone 918. While he does attend school regularly nearby, he often skips class to come to the Zone to earn money collecting the remnants of exploded ordnances left behind after military trainings. He does this once or twice a month with a group of about fifteen to thirty other children, and earns approximately twenty shekels for each collection (US\$5.50), which he shares with his parents if they are in need. When asked how he feels about going into the Zone, Ahmad responded: “I always feel scared. One night they came with tanks and jeeps and exploded stuff, so my friends and I came here straight afterwards to collect the remnants. They tried surrounding us but we fled”.

Despite his efforts to remain confident while explaining his work, his body language tells a different story. As we drive past the Firing Zone, he begins to crouch in his car seat. His teacher who is accompanying him for the day puts his arm around him and reassures him that, for today, he was safe in the car; for they both know too well that not all metal collectors have been as lucky as Ahmad thus far. According to his teacher, “Abu-Ahmad [Ahmad’s father] used to come here. One day he found a can-

36) B’Tselem (2012) ‘Firing Zone 918’. Available: http://www.btselem.org/south_hebron_hills/firing_zone_918.
 37) Ahmad’s real name has been changed here to protect his identity. All information in this case study was obtained during interviews conducted by MAAN on 22/10/14 in the South Hebron Hills.

shaped piece of metal. He picked it up and it blew his hand off". Such has been the reality for a few of Ahmad's friends, too, some of whom are now amputees. Despite the immense risk, Ahmad says he will keep coming to the firing zone for as long as he has to in order to make some money, even though he prefers to be at school because he likes learning. Yet as we drive away from 918, multiple Israeli jeeps can be seen entering the zone in convoy to conduct an exercise that afternoon. We ask Ahmad what this means for his plans for the week now that he knows about the exercise that is about to take place. He looks at his teacher, and shyly excuses himself from class in advance.

Important here is that UNCRC does not make special considerations for whether or not the child labour is forced, or not. Rather, it states that, while it is permitted for children to engage in work that is safe and age appropriate, it is the government's responsibility to protect children from either paid or unpaid work that is harmful to their health, and emphasises specifically that children's work should not jeopardise any of their other rights, including the right to education³⁸.

Conclusion

Whilst aforementioned issues relating to education access and quality are experienced throughout the whole of the oPt, there are particular areas where these problems are compounded. Such is the reality in the Southern Hebron hills of the West Bank, where attention on the state of education has been relatively limited to date in both the literature and in practical responses to combat persistent impediments to learning programs. In Area C, and particularly in the Southern Hebron Hills, the impact of the occupation's violations of the right to education are intensified, due to the prohibitions against the development of adequate teaching infrastructure, and the risks associated with increased settler and military presence in the area, as well as other factors which have caused many children in South Hebron to discontinue their studies at a young age.

Combined, these obstacles are driven by a general lack of perceived long term prospects among communities about the benefits of sending their kids to school, and ensuring that they complete a full course of basic education; indeed, many families wonder why they should send their kids to school when so many of the university graduates in the West Bank do not even have jobs. Such is the nature of the cyclical suppression of opportunity under occupation, which impedes the realisation of human rights from the education sector to the economic sphere. With this in mind, it is clear that until Israel's occupation of Palestine is dismantled, the full realisation of Palestinian child rights cannot take place.

38) Office of the High Commissioner for Human Rights. (1990). 'UN Convention on the Rights of the Child'. Article 32, 1.

Annex 1.

Convention on the Rights of the Child – Part One

Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States 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 the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

- (a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
- (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
- (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
- (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
- (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other

person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

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

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

- 1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

- 1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
 - (a) Provide for a minimum age or minimum ages for admission to employment;
 - (b) Provide for appropriate regulation of the hours and conditions of employment;
 - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
 - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by

reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized 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;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.



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