



Dealing with alleged child collaborators in the Occupied Palestinian Territories in the spirit of the Convention on the Rights of the Child

*

A workshop organized by Defence for Children – Palestine Section

*

Ramallah, the West Bank, 20 April 2005

In collaboration with
Coalition to Stop the Use of Child Soldiers



INDEX

Foreword. *Page 3*

I. INTRODUCTION. *Page 4*

II. CHILD COLLABORATION IN THE OPT. *Page 4*

- The Use of collaborators in the OPT. *Page 4*
- Extent of child collaboration in the OPT. *Page 5*

III. RATIONALE FOR THE WORKSHOP. *Page 6*

IV. DESCRIPTION OF THE WORKSHOP

- Objectives. *Page 6*
- Structure. *Page 6*
- Content. *Page 7*
- Recommendations. *Page 7*
- Agenda. *Page 8*

V. WORKSHOP PROCEEDINGS

- Opening and welcome. *Page 10*
- Definition of the problem and possible solutions. *Page 10*
- International legal standards for the protection of child collaborators. *Page 11*
- Psychosocial effects of collaboration on children. *Page 12*
- Role of the Palestinian community in addressing the issue. *Page 13*
- Social and legal context of collaboration. *Page 15*
- Principles of restorative justice for juveniles. *Page 16*
- International lobby to stop the use of child collaborators in the OPT. *Page 17*
- Developing a protective and reformatory legal system. *Page 18*
- Public advocacy and lobby to create a protective environment. *Page 19*

ANNEX 1: PARTICIPANTS' LIST

This workshop was made possible thanks to the financial support of the Government of Finland and the Foundation for Children's Welfare Stamps (SKN) - Netherlands

Foreword

Dear friends and colleagues,

It is our pleasure to present this report of the workshop “Dealing with alleged child collaborators in the Occupied Palestinian Territory in the spirit of the Convention on the Rights of the Child”, which took place in Ramallah on 20 April 2005. We hope it will shed some light over one of the most important and sensitive issues regarding child protection in the OPT. We also hope that by raising the profile of this matter we will help bring to an end the Israeli policy of recruiting Palestinian children as collaborators. Moreover, by discussing this topic, we will hopefully be able to begin to change attitudes within the Palestinian society by deepening the local understanding of the enormous pressure to which Palestinian children are subjected and encouraging people to recognize that children are the victims of child collaboration. We also hope that all related international organizations will further investigate and take action to combat this practice, advocate for the best interests of our children, and help protect them from being used by the Israeli intelligence services.

DCI/PS would like to thank all those who made this workshop possible, either by financial contribution or through their active participation. We are particularly grateful to the Finnish Government, the Foundation for Children’s Welfare Stamps in the Netherlands and the Coalition to Stop the use of Child Soldiers, as well as all the Palestinian Governmental and nongovernmental organizations. Our gratitude also goes to UNICEF–OPT, Save the Children Sweden, and UCODEP - Italy for their inputs and participation in the workshop.

We hope that all relevant bodies in the OPT and elsewhere will ensure effective follow up to the recommendations outlined in this workshop to achieve the utmost protection of Palestinian children from all forms of exploitation.

*Yours Sincerely,
George Abu Al-Zulof
General Director
Defence for Children International- Palestine Section*

Dealing with alleged child collaborators in the Occupied Palestinian Territory (OPT) in the spirit of the Convention on the Rights of the Child (CRC)

A workshop organized by Defence for Children – Palestine Section (DCI-PS)

Ramallah, 20 April 2005

I. INTRODUCTION

In the OPT, a collaborator is understood as any Palestinian who cooperates with the Israeli security forces in the OPT or in Israel. Recruiting Palestinians as collaborators is perceived in the OPT as part of Israel's policy to maintain control over the territories and the Palestinian people. Most cases of collaboration are found in interrogation centers and prisons where detainees are put under extreme physical and mental pressure to collaborate. Palestinian children often find themselves under such pressure.¹

The Israeli intelligence services (*Shabak*) continually seek to recruit children as informants. A field survey with former child detainees conducted in 2003 by DCI-PS, estimated that 60 per cent of the children interviewed, some of them as young as 12, were reported to have been tortured or subjected to other forms of coercion or inducement in an attempt to make them cooperate. By late 2003 in Gaza alone there were on average 40 attempts to recruit minors every month.²

Children accused of being recruited as informants by the Israeli authorities are at risk of stigmatization, exclusion, and on occasion, retaliation. On 5 February 2002, shortly after death sentences were passed on Khaled Kamel and Jihad Kamel (both 17 years old), by the Palestinian State Security Court in Jenin for the killing of a member of the Palestinian Authority security services, unidentified armed men entered the court and shot dead both boys. They had been accused of collaborating with the Israeli authorities.³

There is a growing need to prevent the use of Palestinian children as collaborators and to protect children who have allegedly been used as collaborators by the Israeli forces. Palestinian Authorities and community and religious leaders, schools, families and Palestinian and international non governmental organizations (NGOs) all have a key role to play in this prevention and protection task.

II. CHILD COLLABORATION IN THE OPT

The use of collaborators in the OPT

In the Palestinian context, a collaborator is widely understood by the population as someone who, knowingly, cooperates with the Israeli occupation authorities against the interest of the Palestinian people and their national cause. There are different types of collaborators, but children are mainly used as informers who are expected to report on people and activities in their area. The informer reports directly to the recruiter, usually a *Shabak* officer, or through the head of the local or regional collaborators network.⁴ Usually the level of requested cooperation and information increases over time, starting with rather insignificant tasks before engaging the children in more complicated activities with serious implications. It is thus important to encourage the alleged collaborator to cut their ties with the Israeli recruiter as soon as

¹ DCI-PS estimates that during 2000-2004, 2,800 children were arrested.

² Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004, page 312.

³ Coalition to Stop the Use of Child Soldiers, op.cit.

⁴ The *Shabak* is an Israeli intelligence agency that works in the OPT and reports directly to the Israeli Prime Minister. Details of its structure and activities are kept secret, but it is known that the *Shabak* is responsible for information gathering and covert operations in the OPT, recruitment of collaborators and interrogations.

possible and for the Palestinian authorities to create a safe environment for the child to denounce the practice.⁵

Recruiting Palestinians as collaborators is seen by the population as part of Israel's policy to maintain control over the OPT and the daily life of the Palestinian people. Palestinian prisoners are routinely put under physical and mental pressure to collaborate with the Israeli Forces in interrogation centres and prisons.⁶ Some detainees give in to the pressure and confess whatever they are charged with or agree to become an informer. Others cooperate with the Israeli occupying force in return for certain "privileges", like a travel- or work-permit for their family, or to prevent further harm done to family or friends. Also blackmail and pressure from collaborators inside the prison is used to pressure a child to cooperate with the Israeli occupying force. On occasion, children are forced to become informers by a family member who is already collaborating with the Israeli occupier.

Between 1995 and 2003, the Palestinian State Security Court was in charge of dealing with cases of alleged collaborators. The court, accused of breaching the rules of fair trial, was dismantled in 2003 as the result of internal and external pressure on the Palestinian National Authority. Between 1995 and October 2002, the State Security Court issued 18 death sentences for collaborators, two of whom were executed.

At present, child collaborators who are found guilty by the Palestinian Preventive Security Force (PSF) are sent to Juvenile Centers run by the Palestinian Ministry of Social Affairs. The PSF coordinates with the Ministry of Social Affairs the handling of cases involving children.

Extent of child collaboration in the OPT

Approximately 2,800 children were arrested by the Israeli authorities between September 2000 and July 2004.⁷ On average, Palestinian children constitute 10 per cent of all Palestinian detainees. In 2002, one-fifth of child prisoner cases handled by DCI-PS involved children aged 13 and 14; the rest were between 15 and 17 years old. In an interview with DCI-PS, a legal counselor of the PSF said: "The Israeli *Shabak* is targeting young children because they are an easy prey. This month we arrested six collaborators, three of whom were under the age of 18. It is estimated that out of every ten (alleged) collaborators that we arrest and investigate, four are children. The youngest we encountered was 12."⁸

The exact number of collaborators, adults and children, is unknown, but in a DCI-PS survey of 40 former child prisoners, 25 children reported that they were asked or pressured to collaborate with the Israeli occupying force. According to the children interviewed, a variety of methods were used, including beatings, sexual assault, threatening with long prison sentences, harassment of family members, and public shaming. Rewards offered for cooperation included early release, money, work- or other permits, and sexual services. Most of the children interviewed by DCI-PS were "approached" by the *Shabak*. The Israeli police attempted to recruit two children, two other children were pressured by Palestinian collaborators inside the prison, and, in an isolated case, an Israeli soldier attempted to recruit a child.

DCI-PS has collected testimonies of children who regretted having given in to the pressure to become informers. It is extremely difficult for Palestinian children to denounce attempts to make them collaborate since they are expected to report to their Israeli "superiors" or otherwise face serious consequences. The Palestinian society also has little mercy with collaborators, especially when they are connected to serious incidents leading to the death of other Palestinians or damage to the national cause.

⁵ On occasion informers, reportedly unable to cope with their guilty conscience, have tried to stop their collaboration by killing their contact-person or recruiter. Another reason for this reaction is to prove to the people that the alleged collaborator is "clean".

⁶ The three main Israeli branches of the security forces involved in these activities are the *Shabak*, the Israeli police, and the military intelligence.

⁷ A child is defined by the Convention on the Rights of the Child as anyone less than 18 years of age.

⁸ DCI-PS Interview with a PSF official. April 2005.

III. RATIONALE FOR THE WORKSHOP

DCI-PS published in July 2004 a thorough study on the use of Palestinian Children in the Israel-Palestinian conflict with the support of the Coalition to Stop the Use of Child Soldiers and the Government of Finland.⁹

Among other subjects of study of the involvement of Palestinian children in the armed conflict, the document analyzed the practice and implications of the use of Palestinian Children as collaborators and informers by the Israeli forces and concluded that an integrated approach by key stakeholders in the OPT to end this practice was needed.

This workshop came as a follow up to that study. DCI-PS took the initiative to convene this meeting with stakeholders in the West Bank to explore methods and procedures to strengthen the legal and social protection of Palestinian children who are accused of collaboration with the Israeli forces.

The recommendations outlined in this workshop will be presented for further discussion at the DCI international Conference on Children behind Bars, which will be held between 30 June and 2 July 2005 in Bethlehem.

IV. DESCRIPTION OF THE WORKSHOP

Objectives

This workshop, which took place on 20 April 2005, aimed to help create an environment where children who maintain contact with the Israeli forces, were supported to come forward and denounce their ties with the occupying force without being at risk of ill-treatment by members of the Palestinian community.

This workshop also aimed to devise ways of passing a series of key messages to the Palestinian Society: Child collaborators should be encouraged to cut their ties with recruiters or contact-persons and their families must understand that these children are victims and not guilty of this practice. The Palestinian and international community must be informed about the situation under which children are recruited and understand the necessity of dealing with the problem in a responsible manner to the best interest of the child. Further recruitment should be prevented through an information campaign and international political advocacy to end this practice. Recruited children should be rehabilitated and reintegrated in the spirit of the CRC.

DCI-PS aims to put the issue on the national and international political and public agenda, with the objective to end the recruitment by Israel of children as collaborators. The findings of the workshop will be presented for further discussion at the Defense for Children International Conference on Children behind Bars, which will be held between 30 June and 2 July 2, 2005, in Bethlehem, with the objective of fostering the integration of strategies among Palestinian and international stakeholders to put an end to this practice and protect alleged child collaborators from exclusion and retaliation.

Structure

Invited to the workshop were relevant stakeholders, including representatives of national and international child rights organizations; the academia; child care institutions; the judicial system; lawmakers; the Palestinian National Authority (PNA) through the Palestinian Preventive Security Force, the Ministry of Social Affairs, the Ministry of Education, the Ministry of Health and the Ministry of Detainees; community leaders and youth movements. Speakers addressed legal, social, psychological and political aspects of

⁹ Defence for Children International-Palestine Section. *Use of Children in the Occupied Palestinian Territories: Perspective on Child Soldiers*. July 2004.

child collaboration in the OPT, with a special focus on the situation in the West Bank.¹⁰ In two parallel group sessions, recommendations were formulated regarding developing a protective and reformatory legal system for Palestinian children in the OPT; and public advocacy and political lobby for the creation of a national and international protective environment against child collaboration.

Content

Presentations for this workshop included:

- The recruitment of Palestinian children as informers by the Israeli forces: definition of the problems and possible solutions;
- International legal standards for the protection of children and to stop their use as collaborators;
- Psychological effects of the problem on children and ways to address it;
- The role of the community-based organisations; social and legal context;
- Principles of restorative justice for juveniles;
- International lobby to stop child collaboration in the OPT;
- In two parallel working-group sessions, recommendations were formulated regarding: 1- Developing a protective and reformatory system for child collaborators; and 2- Public advocacy and political lobby to create a national and international protective environment for Palestinian children at risk of recruitment as collaborators.

Recommendations

Participants to the conference formulated the following recommendations:

- On developing a protective and reformatory legal system for Palestinian children in the OPT:
 1. The rehabilitation of the child should be based on the understanding that the child is a victim of the pressure exerted on him or her.
 2. Guidelines for social reintegration of the child need to be developed by all stakeholders in the OPT and its application to be monitored.
 3. The Ministry of Social Affairs should establish a rehabilitation unit for children formerly used as or approached to become collaborators, where the child can be rehabilitated. In order to avoid stigmatization, a combination with other child units is preferred. Also needed is training of police officers and social workers to:
 - a- challenge their prejudices and
 - b- deal professionally with the child, with the aim to rehabilitate instead of punishment.
 4. It is important to conduct an in-depth study focused both on the cognitive and the emotional development of the child in armed conflict to better understand the psychosocial implications of child collaboration.
 5. Involve the family as a supporting factor is key, since the family environment can either provide support or foster exclusion.
 6. The Palestinian Child Law and Penal Code should be based on the principle of 'best interest of the child'. This should lead to the development of an alternative legal system for juveniles. The system must integrate the social environment of the child, schools and public institutions dealing with children and should aim at personal rehabilitation and restoration of relations of alleged child collaborators.
 7. Grave offences committed by children should be dealt with by the judiciary in special juvenile courts, considering rehabilitation and restoration as priorities.
 8. Civil society organisations should document individual cases (always considering the best interest of the child and his/her protection as paramount) for awareness raising purposes, using for example the school and the media.

¹⁰ Please see list of participants in annex

9. Schools can organize supervised activities aimed at the reintegration of the child in a positive manner, like volunteer and community service programs that balance the negative experience and make the child feel valued. Children must be protected from isolation and exclusion.
- On public advocacy and political lobby to create a national and international protective environment:
 1. The Palestinian society has to recognize the problem in order to address it in a responsible manner. Child collaborators should be primarily regarded as victims and not as traitors.
 2. Documented information should be collected by the PNA and civil society organizations, based on an integrated methodology. A special committee composed of representatives of different institutions should unify the collected data and produce a study that can function as the basis for further action. The proceedings of this workshop should be part of it.
 3. Advocacy and lobby activities at the local level should include political parties, armed political factions and social groups and focus on preventing the “culture of detention”.
 4. Parents and families should also be addressed in all activities aimed to protect children from being used as collaborators and those who have allegedly collaborated with the occupying forces.
 5. A culture of dialogue should be promoted within the family, as to encourage the child to come forward with problems and strengthen a democratic atmosphere.
 6. In extra-curricular activities, schools can provide information on the harshness of prison life, structure, activities and ways of avoiding being forced to collaborate, all in the best interest of the child and stating clearly that children younger than 18 must be protected from active involvement in armed conflict.
 7. The issue of child recruitment could also be raised in summer camps and at youth clubs.
 8. Civil society organizations (national and international) should address the root causes of child collaboration in the context of the Israeli occupation, where Palestinian children are routinely denied their basic rights.
 9. Children in Israeli detention should be visited by trained Palestinian adults with follow up visits after their release.
 10. Palestinian and international media should be approached to disseminate information about the use of Palestinian children by the Israeli forces with documented and verified information and actual cases, always considering the protection of the child and his/her identity as paramount.

Agenda

- | | |
|-------------|--|
| 9. 00 | Registration |
| 9.30-9.40 | Opening by chairperson – <i>Mr. Ayed Abu Eqtaish, DCI-PS</i> |
| 9.40-10.00 | Welcome by <i>Mr. George Abu-Zulof, Executive Director DCI-PS</i>
Introduction participants |
| 10.00-10.30 | Recruitment of Palestinian Children as informers by the Israeli Forces: Definition of the problems and possible solutions by <i>Dr. Wahid Qadumi Palestinian Preventive Security Force</i> |
| 10.30-11.00 | International Legal Standards by <i>Mr. Daoud Darawi – DCI-PS</i> |
| 11.00-11.40 | Psychological effects of the problem on children and ways to address it, by <i>Dr. Mohammed Al-Haj Yahyah, Hebrew University</i> |
| 11.40-12.00 | Coffee/tea |
| 12.00-12.30 | Role of the community organisations in addressing the issue, by <i>Mrs. Maisoun Al-W'haidi, Ministry of Social Affairs, Department of Children & Youth</i> |

Workshop: Dealing with alleged child collaborators in the OPT in the Spirit of CRC. April 2005

- 12.30-12.50 The social and legal context in addressing the issue, by *Mr. Nasser Al-Rayyes, Al Haq*
- 12.50-13.10 Principles of Restorative Justice for juveniles by *Ms. Lilian Peters*
- 13.10-13.30 International lobby by *Mr. Enrique Restoy; International Coalition to Stop the Use of Children as Soldiers.*
- 13.30-14.30 Lunch
- 14.30-15.30 Working-group 1: Developing a protective and reformatory system for Palestinian children in the OPT who have been recruited and used as informers to the Israeli occupying forces.
- Working-group 2: Public advocacy and political lobby to create a national and international protective environment for Palestinian children who might be at risk of being recruited as collaborators.
- 15.30-16.00 Plenary presentation of recommendations and discussion
- 16.00 Closure by chairperson

V. WORKSHOP PROCEEDINGS

A- PLENARY SESSION

Opening and welcome

On behalf of Defense for Children-Palestine Section (DCI-PS), *Mr. Ayed Abu Eqtaish* opened the workshop by emphasizing that DCI-PS considers children recruited as collaborators as victims instead of offenders, and was pleased with the variety of papers, addressing several relevant issues: including security aspects, social implications, mental consequences, legal principles, and advocacy opportunities.

DCI-PS Executive Director, *Mr. George Abu Zuluf*, welcomed the participants to the workshop and was pleased that so many different governmental and non-governmental organizations showed their interest and concern by attending the meeting.

He referred to the image of Palestinian children portrayed in the Western media, as being used by adults as human shields, while at the same time the occupation crimes are covered up by Israel. The killing of Palestinian children got the world's attention when, in front of the cameras, twelve year old Muhammed Dura was killed by Israeli fire while hiding behind his wounded father in Gaza. In response, Israel made an effort to portray Palestinian children as fighting on the frontline. DCI-PS took the cases of 27 children who were killed by Israeli forces in the OPT. The cases were presented on official Israeli websites like the Ministry of Foreign Affairs web-site and Israel Defence forces website, mentioning that there was no shooting between the Palestinians and the Israeli army when those children were killed.

The UN Human Rights Commission (UNHRC) condemned the portrayal of Palestinian children as fighters as Israeli propaganda, and stated that the children should not be exploited but protected. Israel also accused the Palestinians of recruiting children for suicide attacks in violation of the Convention on the Rights of the Child (CRC).

DCI-PS conducted a study in 2004 on the recruitment in Palestine of children for the armed struggle with the support of the Coalition to Stop the Use of Child Soldiers (CSC). The different political factions and the Palestinian National Authority (PNA) featured in the study stated that recruiting children for military activities was not part of their policy. Individual cases have occurred, but without the consent of the leadership. This DCI-PS study, which was the first of its kind, recognized the incidents, while concluding that this is not standard policy. The study also found that the Israeli forces recruit children as young as 12 years as informers or collaborators. Indicators for this were based on information of the Palestinian Preventive Security Force (PSF) and information from the Israeli anti-militarization organization New Profile. This workshop is a follow-up of the study and addresses the issue of recruitment by Israel of Palestinian children as collaborators, as a violation of International Human Rights and Humanitarian Law.

Recruitment of Palestinian children as informers by the Israeli Forces: Definition of the problem and possible solutions.

Dr. Wahid Qadumi of the Preventive Security Force (PSF) showed his appreciation for the works of DCI-PS. The PSF supports all initiatives aimed at protecting children from the Israeli Defense Force (IDF). Many people, mostly foreigners, believe that Palestinians blame the Israeli occupation for everything, which is correct, but with reason, given the suffering that the Palestinians have been enduring for many years. Since the beginning of the Al Aqsa *intifada* at the end of September 2000, Israel has killed 723 children. Many of them were at school, at home or playing in the street. Of them, 123 were killed at birth at check points where their mothers were prevented from going to hospitals. 321 children, including 11 girls and 4 children who were born while their mothers were detained, are currently held in Israeli jails. An estimated 450 Palestinian prisoners were younger than 18 years when they were arrested.

The Israeli security and intelligence departments use arbitrary arrests and detentions of children as a means to recruit them as informers. Their release is often subject to "bargaining", favoured by the poor working and living conditions of most of the children's families, with offers of certain small privileges for the

child or his or her families in return for collaboration. Also sexual blackmail, torture and the threat of execution are used as instruments to force children to collaborate. The methods used for the recruitment of children and adults are quite similar, with the difference that the young age and development stage of the child (adolescence) is often exploited in the recruitment process. For example, in a case recently published, a Palestinian child was arrested with a knife on his way to take revenge on the Israeli person who sodomized him while arrested. More details or examples of individual can't be divulged due to privacy reasons.

Children are recruited as collaborators to:

- 1- provide information on the movement of activists;
- 2- indicate places visited by activists;
- 3- recruit others;
- 4- kill their patriotism and resistance to the occupation;
- 5- break them psychologically.

Recruitment of Palestinian children for the armed struggle is widely used by the Israeli propaganda. While Israel is imposing orders that make the arrest of children easier, the PNA considers it as a priority to protect children from armed conflict and to pursue those conducting crimes against children. Exposing the Israeli measures against prisoners and children should be part of all agreements between the State of Israel and the PNA in present and future.

Questions:

1- What is meant by psychological killing of a generation?

Israel attempts to destroy the Palestinian national and social structure by abusing children, especially those with mental distress.

2- What can we do to accept the reintegration of children recruited as collaborators?

It is important to deal with the children as victims, and not as unpatriotic elements. If they committed criminal offences, they will have to be dealt with by a specially trained judiciary. In all cases, they need personal rehabilitation and guidance by specialized and trained staff. Under no circumstances, armed groups should deal with them.

Comments:

1- Article 67 of the Palestinian Child law defines 9 as the lowest age of criminal responsibility, which can be exploited by the Israeli propaganda. This article, inherited from the Jordanian penal code, needs to be amended.

2- Deprivation of education is not only due to the separation wall. The Palestinian Ministry of Education has the right to provide detained children with education, but has not been given the opportunity to do so by the Israeli authorities who put innumerable obstacles to the education of Palestinian children.

3- In the absence of juvenile prisons for Palestinian children, detained children are currently mixed with adults, which is against the spirit of the CRC and other international legal instruments. The PNA is obliged to put a system in place that is in conformity with international law and standards.

International Legal Standards for the protection of children from being used as collaborators

Mr. Daoud Darawi of DCI-PS, explained that the terms "exploitation" and "recruitment" have different meanings in International Human Rights and Humanitarian Law. The CRC and its Optional Protocol on the involvement of children in armed conflict, for example, forbid the recruitment of children by states and non-state actors. The Optional Protocol does not apply to the exploitation of children by the enemy, which is totally banned by International Humanitarian Law (IHL). Under both IHL and the CRC, Israel is, as an occupying power, responsible for all the children living in the OPT. The Committee on the Rights of the Child recommended that Israel should actively respect the CRC for all children living in the OPT. Although

Israel signed the Geneva Conventions (GC), they refuse to apply them in the OPT, despite several United Nations Security Council (UNSC) Resolutions urging it to do so.

Article 47 of the fourth Geneva Convention (GC-IV) forbids all activities against protected people and buildings, including forced work for the occupying force, and the use of physical and/or moral pressure as a measure. The principles of IHL are reaffirmed in the Rome Statute of the International Criminal Court (ICC). The recruitment of children for military purposes and to collect information is considered a war-crime, which can't expire. Israel is not a signatory to the Rome Statute or the Additional Protocols to the GC.

Cases brought to the ICC should be based on testimonies and legal arguments, and translated in the language of IHL. It is not the child but the persons who recruit children who should be held responsible and brought to trial.

In the Palestinian Child Law, the minimum age of criminal responsibility is defined as 9 years old. Although this is lower than the average in other penal codes, the Palestinian society should not be harsh with itself as the Penal Code, which is still in its first reading, forbids the denial of freedom for any person younger than 15 years. Children in trouble with the law should be put in foster care or reformatory institutions. At present there is no specialized institution or trained police to deal with juveniles, leaving it to every security department to follow-up on cases involving juveniles.

Article 46 of the Palestinian Child Law forbids the use of children in armed conflict and the recruitment of persons younger than 18 years of age.

1. Question: *Is the Draft Penal Code based on international conventions? Do we expect from Israel to obey international standards, that we don't consider as relevant for the PNA?*

The PNA cannot sign international conventions due to sovereignty issues, but the PLO is committed to the United Nations Covenant on Economic, Social and Cultural Rights and other conventions and should obey them, with the understanding that when states sign conventions they have the right to make reservations.

2. Question: *Could you explain the minimum age of criminal responsibility in Palestinian Child Law?*

We have to differentiate between the age of criminal responsibility and depriving the child from its liberty. The minimum age of criminal responsibility in the Palestinian Child Law is 9 years but the draft Juvenile Justice Law sets the minimum age of 15 for imprisonment. Children above 9 years and below 15 years, can be rehabilitated in reformatory schools.

Psychosocial effects of collaboration on children and ways to address it

Dr. Mohammed Al-Haj Yahyah, professor of social work at the Hebrew University, described the experience of Palestinian children living under occupation as extremely difficult. He noted that the term 'child' is used as a legal term, in development many of them are teenagers, with all the normal stress and confusion related to the development of an identity.

The daily reality of occupation, confrontations, and the risk of being arrested and detained have a direct impact on children, who might show signs of fear, lack of concentration, depression and no trust in the protection offered by adults. In prison they may look for the support of adults in an attempt to alleviate the pressure, but this is not always the case. Prison is generally a bitter experience, which might be damaging for the self-esteem when the child is recruited as a collaborator. At first the recruited child might have a false feeling of power, thinking that he or she is stronger than society. The child might be told that he or she helps his or her family and friends by providing information and thus preventing further harm. They might be made to believe that they are not traitors and that without them terrorism cannot be combated. However, soon he or she will feel that they are carrying a heavy secret and realize that they are chased by the recruiter's network around him and that their life is in psychological and physical jeopardy.

Dr. Al-Haj Yahyah made the following remarks for further discussion:

- 1- It is important to raise awareness about social, psychological and mental pressure that a child is subject to while being arrested or in detention;

- 2- A recruited child that wants to cut his/her ties with the occupier should be supported, not stigmatized;
- 3- A released child is in need of support. Providing a strong support system for the child and its environment might help prevent recruitment of child collaborators.
- 4- Rumors about collaborators are very dangerous, putting the child and their family at risk. It may easily lead to "character assassination" if not worse.
- 5- The family of the child should not be blamed or punished for the behavior of their child, but instead supported in dealing with the issue.

Awareness raising also helps the early detection of children that are being recruited. Children who have been approached to collaborate often show signs of fear and social withdrawal or are having money whose origin they cannot explain. When detected, the child should not be prosecuted, but rehabilitated. It is idealistic to expect from the society as a whole to support the child, but it is helpful to establish a relief unit under the Ministry of Social Affairs, where the child can be rehabilitated. In order to avoid stigmatization, a combination with other child units is preferred. Also needed is training of police officers and social workers to:

- a- challenge their prejudices and
- b- deal professionally with the child, with the aim to rehabilitate instead of punishment.

Also school councilors should be trained, as they can be very effective in the early detection of children with (behaviour) problems and possible quick intervention programs in situations of dilemmas or crisis.

In general society should be asked not to be vengeful towards the child. Only a child that feels assured that no revenge will be taken, might come forward and can be supported. By way of prevention and to increase their psychological immunity, it is important to inform the children about what might happen once they are detained and put outside the protective environment of the family and society.

Comments:

1- Children are also recruited outside detention centers, e.g. through jobs in settlements, work in Israel or through other collaborators. In order to develop a comprehensive program, more study of the phenomena, which is broader than recruitment while being in Israeli detention, is required.

2- Cooperation with the PSF is needed, and as far as Mr. Qadhum is concerned, can start immediately.

Role of the Palestinian community in addressing the issue

Ms. Maisoun Al-W'haidi, from the Ministry of Social Affairs, Department of Children & Youth, Presented a study on collaborators conducted in 2001. The research encompassed a total of 60 collaborators, out of which:

- 60% were younger than 20 years old;
- 49% had a low level of education;
- 50% were unmarried;
- 70% were workers within the green line (Israel);
- 65% came from the poorest sectors of society;
- 76% were in good health;
- 47,5 % lived in a Palestinian refugee camp.

Factors leading to the successful recruitment as collaborator are among others:

- 1- Psychological: having a weak personality, lack of confidence, sexual problems;
- 2- Feelings of revenge;
- 3- The need to work and earn money or the wish to travel;
- 4- Blackmail
- 5- Temptation and immoral behavior such as adultery.

Methods of recruitment:

- 1- Blackmail;
- 2- Torture;
- 3- Exploitation of the family;
- 4- Offers of money, sexual services or drugs.

Temptation, intimidation and blackmail take the children away from their traditional values and faith; it encourages the belief that the child has the right, even the obligation, to look only after himself and that collaborating will help him and does no harm. The study revealed that those working inside Israel are particularly at risk due to their regular contact with the Israeli government institutions.

Role of the PNA

The main goal of the PNA is to protect the child from exploitation by the occupier. Recruiters should be named and shamed in the media. Also lawyers should play an active role through raising awareness among children in prisons about the consequences of recruitment.

Role of educators

Educators should protect the children from the practice of recruitment and collaboration by implanting moral and national patriotic feelings.

Role of the Ministry of Social Affairs

Protection and support to the families of collaborators

Role of the Ministry of Detainee Affairs

Visits of lawyers, internal monitoring and fighting rumors

Role of legal institutions and the Bar Association

- 1- Reporting to the media and international organizations;
- 2- Bringing leading perpetrators to trial;
- 3- Lobby the UN to stop the crimes;
- 4- Bring cases to court.

Role of the media

- 1- creating awareness and warning children against recruitment;
- 2- exposing Israel's recruitment efforts;
- 3- providing correct information;
- 4- defusing Israeli propaganda.

Role of religious leaders

Prevention of further harm through encouraging confessions and writing of experiences into detail as for others to learn from, as well as scientific study and meetings;

Role of community-based organizations

- 1- awareness raising and prevention through drama, traditional songs, dances and stories;
- 2- encouraging the freedom of expression, ideas and feelings;
- 3- Supporting families of collaborators, as the family can be held responsible;
- 4- encouraging loving families where children feel free to speak out;
- 5- involving former child collaborators in voluntary community activities.

Role of individuals

- 1- Staying away from corrupt people;
- 2- Report any recruitment plans known.

In a much needed national plan all actors should be involved.

Question: *What is the role of the judiciary?*

Those children that are involved in criminal acts should be brought to justice, with the understanding that the child is basically a victim of recruiters looking for children as an easy target. The treatment of the children should be based on the idea of rehabilitation.

Comments:

1- The Ministry of Social Affairs study should be shared with other institutions as a basis for policy development.

2- At present we are dealing with the issue as if it does not exist and there are no specialized people dealing with it. We are mainly at risk of stereotyping by naming and shaming. When you name the person, the family will be singled out as well, with the risk of being ostracized. Thus the family might choose to conspire and deal themselves with the collaborator or hide the fact that a member has been approached to collaborate.

3- The role of armed group should also be mentioned, in the sense that they are not entitled to take the law in their own hands.

Social and legal context of child collaboration

Mr. Nasser Al-Rayyes, from the human rights organization Al-Haq, referred in his presentation to Article 47 of the VI Geneva Convention (GC), and the Additional Protocol I to the GC and Article 67 and 87 of the Jordanian Penal Code which is applicable in the West Bank. According to the GC, the occupying force, being Israel, has no right to pressure or force any person under occupation to cooperate or to change the *status quo* of the territory and population it is occupying. Under the Jordanian Penal Code, treason is a serious crime and the traitor should be removed from the society without consideration for the circumstances.

The child may be considered as an easy prey for recruiters, as their ability to endure pressure is less than that from adults; another factor that may encourage the recruitment of children as collaborators are the silence of the society about the phenomena.

Suggestions for legal solutions to the problem are:

- 1- Text provisions on children involved in military activities should be clear;
- 2- Jurisdiction over the matter should be public and fair, including a judiciary process executed by a legislative body.
- 3- The State should cover the costs of rehabilitation of the child.

So far the Palestinian Legislative Council has ignored every text that holds the state responsible for the life of children, although it is a fact that currently 43,000 Palestinian children are working to provide an income for their families. This might open a gate for recruiters to lure children into collaboration.

As a principle, all cases of child collaboration should be addressed by juvenile law and not the security services, who are currently holding 51 files of children accused of collaboration. Further, Palestinian organizations should lobby for a juvenile law based on international accepted principles, clear criminal accountability rules, and special institutions for children in trouble with the law.

Principles of Restorative Justice for Juveniles

Ms. Lilian Peters explained restorative justice as a process whereby all parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future. The purpose of restorative justice is to give victims a central role in justice and repair the harm done by the offence as much as possible. It provides opportunities to deal in a pedagogical manner with juveniles while doing at the same time justice to the victim and society.

Elements of restorative justice are:

- 1- Restore relations and repair damage caused;
- 2- Mediation between offender and victim;
- 3- Participation of the offender and victim in seeking a solution;
- 4- Reparation or compensation for the victim;
- 5- Reconciliation between offender and the victim including the wider society;
- 6- Rehabilitation of the offender.

Advantages of restorative justice are that:

- In situations where the society has been harmed, the offender is provided with an opportunity to repair the damage caused to the society through social service;
- The juvenile is made responsible for repairing the damage caused;
- The victim is given the opportunity to be part of the decision making process regarding the treatment of the perpetrator and the compensation/reparation.

The following table illustrates how restorative justice differs from criminal law and protective justice.

	Criminal law	Protective justice	Restorative justice
Focus	Criminal Offence	Behaviour offender	Damage caused
Means	Punishment	Rehabilitation	Reparation/ compensation
Aim	Public order	Adapted person	Restoration of relations
Position victim	Secondary	Secondary	Central
Evaluation criteria	Justice	Accepted behavior	Restored relations

Restorative Justice is based on the “best interest of the child” a guiding principle of the Convention on the Rights of the Child (CRC) [article 12 on participation and article 40 on the administration of juvenile justice] and the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules of 1985). It considers the juvenile not just as an offender but also as a victim of the situation.

International lobby to stop the use of child collaborators in the OPT

Mr. Enrique Restoy from the International Coalition to Stop the Use of Child Soldiers (CSC), explained that international lobbying is a mix of legal instruments and political lobby.

At the international level, political lobby on the issue could focus on the UN Security Council (UNSC), the UN general Assembly (UNGA), the UN Human Rights Commission (UN-HRC) and the Committee on the Rights of the Child (UN-CRC). The UNSC meets yearly to debate the involvement of children in armed conflict and has adopted thus far five resolutions. Also the Israeli-Palestinian conflict is on the UNSC agenda and briefly included in the annual report of the Special Representative of the Secretary General on Children in Armed Conflict (UNSRSG-CAC).

The UNSRSG-CAC has proposed a monitoring, reporting and compliance mechanism for CAC, including the use and recruitment of children as soldiers, although the Palestinian-Israeli conflict is not on the UNSC

agenda for the monitoring mechanism. Most international action by third countries and regional bodies are based on UNSC resolutions. Resolutions from the UNGA and the UN-HRC have not been effective. Thus the UNSRSG-CAC and the UNSC should be pressed through a civil society force to include the Israeli-Palestinian conflict in their reporting mechanism and their list of parties that recruit children.

The International Criminal Court (ICC), and ad-hoc tribunals like the Special Court in Sierra Leone are other examples of international judicial bodies. The Special Court in Sierra Leone, for example, has indicted 13 people for war crimes including child recruitment; sentences are about to be passed. The ICC also investigates the use of child soldiers in Uganda and the Democratic Republic of Congo. However, the ICC is very unlikely to be given the endorsement by the UNSC to act on Palestine, due to the US influence in blocking endorsement of the ICC by the UNSC. The ICC cannot investigate Israel of its own initiative since Israel has not ratified the Rome Statute; it is only through an endorsement from the UNSC that it would be entitled to look into the Israel-Palestine conflict.

Regional bodies, like the European Union (EU) and the Arab League, can play a role. The EU has published Guidelines for the protection of children in armed conflict, promoting a report mechanism by EU Heads of Missions in UNSC priority areas, including Israel and Palestine. The EU should be pressured to appoint a Special *Rapporteur* on children in armed conflict and to carry out a mission to Palestine that should include the use of children in the conflict. The Head of the EU Mission in the OPT should be urged to set up a monitoring and reporting mechanism.

The Arab League does not have provisions regarding children and armed conflict or a common position on child recruitment. It should be encouraged to adopt a position to the best interest of children involved in armed conflicts in Arab countries.

Let us not forget that the Israeli government is indeed the only entity that can effectively stop the practice of recruitment of Palestinian children as collaborators. In order to do this from within, Israeli human rights organizations should be involved, provided with accurate information from Palestinian organizations.

The United States, the United Kingdom, and other states could address the issue in their bilateral relations with Israel or together in collective bodies. It is thus important to develop contacts with friendly nations with influence, develop with them an action plan and feed them with correct information.

It is necessary to shape the message in such a way that it can be used effectively in international body and be considered seriously by the international community. Research carried out by the PNA and by Palestinian NGOs and institutions must:

- Provide hard evidence (thorough research)
- Be carried out following a proper Methodology
- Be objective in presenting facts
- Expose clearly what is denounced
- Expose clearly what is demanded and from whom
- Be consistent with international law
- Be well written
- Be distributed timely and to the right counterparts and recipients
- Shape its message according to different audiences (governments, media, armed forces, other NGOs, public in general, communities, etc.)

These rules apply to every kind of message aimed at every kind of recipient. The message, however, needs to be shaped according to the audience, but must always stem from information obtained with the observance of the rules.

One should realize that nobody owns a message once it is sent out. International NGOs with a reputation of objectivity tend to try to expose violations committed by Israel and by the Palestinian Authority and groups balancing each other. This might seem extremely unfair in the case of the Israeli occupation of the Palestinian territories.

It does not mean though, that international NGOs should not to take this approach; they must preserve the principles stated above, meaning sticking to the human rights discourse and abstaining from mixing it with a political analysis, like comparing the gravity of violations committed by one side or the other.

Palestinian civil society organisations and institutions can introduce the political analysis that international NGOs cannot undertake when focusing on human rights violations. However, it has to be clearly indicated when a political analysis is made and when human rights abuses are reported. It is advisable to present the latter independently from political statements and analysis, in order to be credible and to expose the real extent to which Israel violates the rights of the Palestinian children, in this case, through forcing them to collaborate.

B- GROUP SESSIONS

a) Developing a protective and reformatory legal system for Palestinian children in the OPT

The group discussion on developing a protective and reformatory legal system for Palestinian children in the OPT emphasized the need to approach the child collaborator as a victim of circumstances, recognizing that all situations are different. A thorough assessment of the child's cognitive and emotional development, living situation and reasons for collaboration should be part of any dealings with the child.

The family also has to be made responsible and should be key in supporting the child. However, it is recognized that the family role is limited when the child is in prison. This might be one of the reasons why children are mostly recruited in prison. Teachers and social workers should be trained in detecting and dealing with child collaborators in a supporting and rehabilitating manner. The judiciary should be the last resource for cases where the child's actions have caused serious damage to persons and the state.

1. The rehabilitation of the child should be based on the understanding that the child is a victim of the pressure exerted on him or her.
2. Guidelines for social reintegration of the child need to be developed by all stake holders in the OPT and followed.
3. The Ministry of Social Affairs should establish a rehabilitation unit for children formerly used as or approached to become collaborators, where the child can be rehabilitated. In order to avoid stigmatization, a combination with other child units is preferred. Also needed is training of police officers and social workers to:
 - a- challenge their prejudices and
 - b- deal professionally with the child, with the aim to rehabilitate instead of punishment.
4. It is important to conduct an in-depth study focused both on the cognitive and the emotional development of the child in armed conflict to better understand the psychosocial implications of child collaboration.
5. Involve the family as a supporting factor is key, since the family environment can either provide support or foster exclusion.
6. The Palestinian Child Law and Penal Code should be based on the principle of 'the best interest of the child'. This should lead to the development of an alternative legal system for juveniles. The system must integrate the social environment of the child, schools and public institutions dealing with children and should aim at personal rehabilitation and restoration of relations of alleged child collaborators.
7. Grave offences committed by children should be dealt with by the judiciary in special juvenile courts and consider rehabilitation and restoration as priorities.
8. Civil society organisations should document individual cases (always considering the best interest of the child and his/her protection as paramount) for awareness raising purposes, using for example the school and the media.
9. Schools can organize supervised activities aimed at the reintegration of the child in a positive manner, like volunteer and community service programs that balance the negative experience and make the child feel valued. Children must be protected from isolation and exclusion.

b) Public advocacy and political lobby to create a national and international protective environment

Recommendations

1. The Palestinian society has to recognize the problem in order to address it in a responsible manner. Child collaborators should be primarily regarded as victims and not as traitors.
2. Documented information should be collected by the PNA and civil society organizations, based on an integrated methodology. A special committee composed of representatives of different institutions should unify the collected data and produce a study that can function as the basis for further action. The proceedings of this workshop should be part of it.
3. Advocacy and lobby activities at the local level should include political parties, armed political factions and social groups and focus on preventing the “culture of detention”.
4. Parents and families should also be addressed in all activities aimed to protect children from being used as collaborators and those who have allegedly collaborated with the occupying forces.
5. A culture of dialogue should be promoted within the family, as to encourage the child to come forward with problems and strengthen a democratic atmosphere.
6. In extra-curricular activities, schools can provide information on prison life, structure, activities and ways of avoiding being forced to collaborate, all in the best interest of the child and stating clearly that children younger than 18 must be protected from active involvement in armed conflict.
7. The issue of child recruitment could also be raised in summer camps and at youth clubs.
8. Civil society organizations (national and international) should address the root causes of child collaboration in the context of the Israeli occupation, where Palestinian children are routinely denied their basic rights.
9. Children in Israeli detention should be visited by trained Palestinian adults with follow up visits after their release.
10. Palestinian and international media should be approached to pass messages about use of Palestinian children by the Israeli forces with documented and verified information and actual cases, always considering the protection of the child and his/her identity as paramount.

ANNEX: PARTICIPANTS' LIST

Name	Organization	Position
Dr. Bassam Madi	Ministry of Health	Dir. Public Health Dep.
Mr. Breigheit Breigheit	Ministry of Social Affairs	Director
Mr. Amin Inabi	Ministry of Social Affairs	Director
Mrs. Maisoon Wehaidi	Ministry of Social Affairs	Director General
Mrs. Rima Zeid Al Keilani	Ministry of Education	Director General
Mr. Saleh Nazal	Ministry of Detainees	Director Child Department
Dr. Wahid Qadumi	Preventive Security Forces	Officer
Mr. Firas Salama	Preventive Security Forces	Lawyer
Ms. Suhad Zahran	Preventive Security Forces	
Mrs. Asmahan Wadi	UNICEF	Proj. Of. Child Protection
Ms. Pauline O Dea	UNICEF	Proj. Of. Child Protection
Mr. Enrique Restoy	Int. Child Soldier Coalition	Program Officer MENA
Ms. Dalia Nammari	PYALARA youth organization	Reporter
Ms. Badra Al- Shaer	Panorama organization	Project coordinator
Mr. Walid Amra	YMCA Ramallah office	Social Worker
Ms. Tove Myhrman	Swedish Save the Children	Project Advisor
Mr. Ibrahim Masri	Save the Children	Psychosocial advisor
Mr. Iyad Barghouti	RCHR	Director General
Ms. Jennifer Depiazza	Nat. Plan of Action for children	Consultant
Mr. Najah Doqmaq	Mandela Institute for Prisoners	Lawyer
Mr. Karim Thabit	Mandela Institute for Prisoners	
Mrs. Buthaina Doqmaq	Mandela Institute for Prisoners	Lawyer
Ms. Debora Pinzana	UCODEP (Italian NGO)	Project Coordinator
Mr. Nasser Al-Rayyes	Al-Haq, Human Rights NGO	
Mr. Shadi Jaber	Palestinian Counseling Center	Director
Mr. Jawad Abu Zahra	Social Work Committee	Director
Dr. Mohammad Haj- Yahya	Hebrew University	Lecturer
Mr. Daoud Derawi	DCI/PS	Lawyer
Mr. George Abu Al Zulof	DCI/PS	General Director
Mr. Ayed Abu Eqtaish	DCI/PS	Researcher
Ms. Catherine Richards	DCI/PS	Researcher
Ms. Lilian Peters		Consultant Child Rights