



“HOPE UNDER THE RUBBLE”

The impact of Israel’s home demolition policy
on Palestinian children and their families



Save the Children

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Cover photo: A boy looks over a demolished home in the Abu al Nevvar district of East Jerusalem. (Photo: Issam Rimawi/Anadolu Agency/Getty Images)

All names contained in this paper have been changed to protect the identities of the individuals.

Foreword

In June 1981, as a young law student, I made my first trip to Israel and Palestine. Staying with an American friend in Ramallah – then not much more than a charming town on a beautiful mountain spine – I spent much of my visit travelling on both sides of the already-vanishing green line.

During an overnight trip to Gaza, we were taken on a walking tour of Jabalia, then, as now, the largest Palestinian refugee camp in the occupied territory. During our tour, the local UNRWA official took us to a Palestinian home recently demolished by an Israeli military bulldozer. The extended family had placed their salvaged floor rugs over the shattered walls to provide shade from the summer sun, while they began the search for alternate shelter.

I was invited to take a picture of several of the family's daughters, which now hangs in my home office. They are sitting together by a crumbled doorway. A seven or eight year old is looking at the camera with arms folded and a gaze that is stern and unforgiving. A younger sister, maybe four years old, is about to break into tears. An older sister has a wry smile, perhaps unsurprised by the calamities of the world.

This anonymous Palestinian family is just one of many thousands who have had their homes destroyed by the Israeli military since the beginning of the occupation in 1967, either through wars or punitive demolitions, or because they had built a home without being able to obtain a rarely-issued Israeli construction permit. Hundreds of thousands of other Palestinians had their homes destroyed or confiscated following the 1947–9 war.

This crushing experience – so alien to many of us, yet so common to many Palestinians – is exceptionally well documented in this invaluable report by Save the Children. International humanitarian law prohibits the wanton destruction of homes under a belligerent occupation. International human rights law has established that the right to a home is fundamental to every individual. Our modern humanity recognizes that homes are the foundations of families, upon which flourishing communities and prosperous nations are built.

Integral to the right to a home is the well-being of children. Their happiness and emotional growth are closely linked to the security of home and family. As this report amply illustrates, Palestinian children and their families have lived for decades in a coercive environment, under military rules that they did not create or consent to, and that are applied harshly and discriminatorily. This 54-year-old occupation – which is governed by a rich body of international law that the international community is remarkably reluctant to enforce – generates a climate of fear and despair that no child should live with.

If hope to be found under the rubble, it will come from the courage of Palestinian children demanding their right to live as equals under our common sky.

Michael Lynk

UN Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Associate Professor of Law at Western University in London, Ontario, Canada.

Summary

“I feel deeply sad now. My home was demolished, and my memories and hope went under the rubble.”

Lana, 13 years old, Area C

Homes are fundamental for children to grow, thrive, and feel protected. According to the UN Convention on the Rights of the Child (CRC), children should ‘grow up in a family environment, in an atmosphere of happiness’,¹ and every child has the right to a safe place to live so they can develop in the best way.² As the Occupying Power, Israel has the duty to protect these rights.³ However, since Israel’s occupation of the West Bank in 1967, authorities have demolished an estimated 28,000 Palestinian homes,⁴ displacing and forcibly transferring tens of thousands of children⁵ and impacting their lives in ways that substantially undermine their fundamental rights.⁶ In addition to homes being razed to the ground, vital infrastructure such as water and sanitation facilities have been destroyed, and more than 50 schools currently under threat of demolition.⁷ The demolition or destruction or confiscation of schools and educational infrastructure is unlawful and constitutes a grave violation against children in accordance with UN Security Council resolution 1612 and related resolutions.

Despite the ongoing coronavirus pandemic, the rate of demolitions and displacement of Palestinians hit a four-year-high in 2020, and this concerning escalation looks set to continue.⁸ In the first quarter of 2021, Israeli authorities demolished or seized 293 Palestinian-owned structures – more than double the same period the year before.⁹ Thus, while families were being advised to ‘stay at home’ to protect

themselves and others from the virus, more and more people found themselves without adequate shelter. UN human rights experts¹⁰ stated that “*deliberately creating a homeless population in the midst of an international health catastrophe is a serious human rights blemish on any state authority for such acts*”.¹¹

Behind each demolition, there is a family who lose their home, possessions, stability, livelihood, and access to services, with devastating consequences on their lives and futures. **Save the Children consulted 217 families across the West Bank to get a clearer understanding of the immediate and longer-term impact that demolitions have on their lives, and the lives of children in particular.** It is hoped that the findings will underscore the colossal impact of demolitions on families’ lives and the urgent need for the Government of Israel to change its policy, and for the international community to use its influence in persuading it to do so.

The findings of the research show that beyond the initial trauma of losing their homes, the resulting dispossession and displacement cripple children’s sense of safety, lead to severe emotional distress, and leave them cut off from their friends and communities. Most children (70%) reported feeling socially isolated and no connection with their communities and land after losing their home. A majority of children (60%) felt that their education had been jeopardised or interrupted following the demolition.

¹ Preamble to the UNCRC, see <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

² Article 27

³ Israel is bound by IHL as a party to the conflict, and as an occupying power it is bound more specifically by the sub-set of IHL rules that form the law of occupation. Since Israel exercises effective control over Palestinians’ enjoyment of their human rights, it has extraterritorial human rights obligations towards Palestinians.

⁴ See Diakonia <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions1/>

⁵ According to OCHA, the number of displaced people from 2009 to 2021 is 11,000. According to *Badil*, 64,343 people were displaced due to home demolitions between 1967 and 2011.

⁶ Article 3 of the CRC obliges Israel to make the best interests of the child a primary consideration in all actions concerning children. Actions which deprive children of shelter and disrupt the family environment are not made with the best interests of the child as a primary consideration; Article 27 of the CRC protects children in terms of their standard of living and seeks to ensure that this standard is adequate with respect to the child’s physical, mental, spiritual, moral and social development.

⁷ oPt Education Cluster, see https://reliefweb.int/sites/reliefweb.int/files/resources/school_under_threat_of_demolition_v6_15_dec.pdf

⁸ OCHA, See <https://www.ochaopt.org/content/west-bank-demolitions-and-displacement-march-2021>

⁹ OCHA, See <https://www.ochaopt.org/content/west-bank-demolitions-and-displacement-march-2021>

¹⁰ Michael Lynk, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; and Balakrishnan Rajagopal, Special Rapporteur on adequate housing

¹¹ UNHRC, see <https://reliefweb.int/report/occupied-palestinian-territory/un-experts-condemn-israel-s-demolition-houses-palestinian>

Most (80%) children feel abandoned by the world and have lost faith in the ability of anyone – from their parents, to authorities, to the international community – to provide support and protect their rights. As a result, many children reported feelings of powerlessness and disempowerment, which, in turn, takes a huge toll on how they feel about the future. 16-year-old Fadi said: “*Nobody stopped them – or could stop them again – from destroying our home, our lives. So why should I bother to dream about a good future?*”

Demolitions also take an enormous emotional toll on parents and caregivers, with most (76%) reporting that they feel unable to protect their children after losing their homes. This is accompanied by high rates of shame (75%), irritation and anger (72%), and feeling emotionally distant from their children (35%). Most (80%) families reported a devastating impact on their economic security, with more than a quarter losing their job post-demolition – and this is compounded by spiralling cost of living.¹² Despite this, very few families reported receiving compensation or financial support to rebuild their lives.¹³

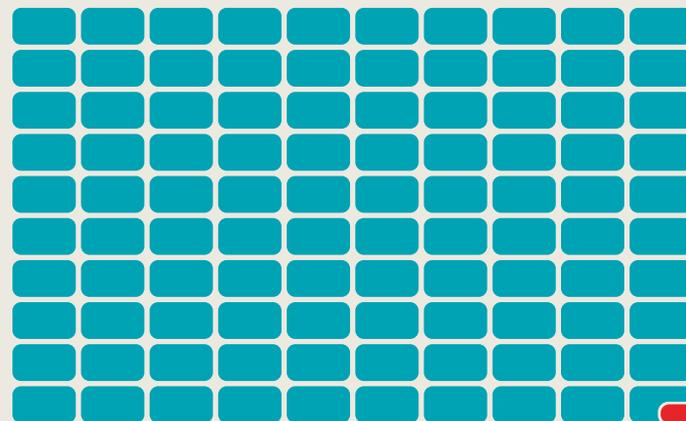
In most cases, the justification given for the destruction of homes is a lack of Israeli-issued building permits – through a planning system that has been described in the UN Secretary General’s report at the Human Rights Council as “*restrictive, discriminatory and incompatible with requirements under international law*”.¹⁴ Just 0.24% of public lands¹⁵ in the West Bank have been allocated to Palestinians, with 99.76% going to Israeli settlements and infrastructure.¹⁶ As a result, Palestinian communities are under-developed and over-crowded. Many families are therefore forced to build without a permit just to have a roof over their heads – but they must live with the spectre of their homes being torn down.

Demolitions, which almost invariably entail unlawful destruction of property,¹⁷ should not

THE SHRINKING OF THE LAND

99.76%

of public lands¹⁵ in the West Bank allocated to Israeli settlements and infrastructure.



0.24%

of public lands¹⁵ in the West Bank allocated to Palestinians.

be seen in isolation, but as Israeli authorities’ continuing pattern to appropriate land – with the fewest possible Palestinian residents¹⁸ – and establish Israeli settlements and other infrastructure, in violation of international law.¹⁹ Since 1967, Palestinians have been dispossessed of hundreds of thousands of dunams²⁰ of land by Israeli authorities, which has been used to establish, among other things, more than 280 unlawful settlements, home to approximately 600,000 settlers.²¹ Demolitions, accompanied with forced evictions, are also a core pillar of the coercive environment that Palestinians in parts of the West Bank face, which stall the development of communities, and force many to leave the area in search of more dignified and safe conditions.

¹² 61% of families consulted reported that the cost of living had increased following their home demolition.

¹³ Because the demolition of houses constitutes a violation of international humanitarian law, Israel is obligated to compensate the Palestinians who suffer losses as a result of these unlawful acts as stipulated in Article 3 of the Hague Convention, article 148 of the Fourth Geneva Convention, article 91 of the First Additional Protocol to the Geneva Conventions of 1949

¹⁴ Human Rights Council 34th session, Human Rights Situation in the oPt, Report of the Secretary-General <https://undocs.org/A/HRC/34/38>

¹⁵ Public lands, or ‘state lands’ are defined by the Israeli Civil Administration. Since 1967, Israel has declared close to one million dunams of state land, and has included almost all of these lands within the jurisdiction of the local settlement authorities. (A dunam is a measure of land used in the oPt and Israel, equivalent to about 900 square metres.)

¹⁶ A day in the life of Abed Salama, N. Thrall, see <https://www.nybooks.com/daily/2021/03/19/a-day-in-the-life-of-abed-salama/>

¹⁷ Art 53 of the Fourth Geneva Convention of 1949

¹⁸ The former UN Special Rapporteur on the oPt, Richard Falk, stated that the “*information [...] inevitably leads to the conclusion that Israel is implementing a deliberate policy of forcing Palestinians out of their homes and off their land, in order to establish more illegal settlements and to proceed with the de facto annexation of the West Bank*” <https://www.un.org/unispal/document/auto-insert-208306/>

¹⁹ The Israeli settlement enterprise in the West Bank is in violation of Art 49(6) of the Fourth Geneva Convention of 1949, and also entails expropriation of Palestinian land in violation of Israel’s duty to administer Palestinian public property for the benefit of the Palestinian people pursuant to Art 55 of the Hague Regulations of 1907 and to respect private Palestinian property pursuant to Art 46 thereto.

²⁰ A dunam is a measure of land used in the oPt and Israel, equivalent to about 900 square metres.

²¹ B’Tselem see https://www.btselem.org/publications/fulltext/202101_this_is_apartheid



Six-year-old Lee* looks over his home which has been demolished five times. (Photo: Farah Abu Sahliya/Save the Children)

The demolition of Palestinian homes, the expropriation of Palestinian land, and the resulting displacement and forcible transfer are not only illegal under international law²² but are an obstacle to the fulfilment of children's rights, including the right to a standard of living adequate for their development.²³ Israel's annexation of East Jerusalem is also illegal under international law and has been condemned by the international community including under UN Security resolution 478.

Unless the international community makes it clear that it will hold the Government of Israel accountable for such violations, homes and schools will continue to be torn down and children will pay the highest price.

As the Occupying Power, Israel has the duty to protect the rights of the protected persons, with special protection to children. Save the Children is calling on the Government of Israel to cancel all existing demolition orders for homes, schools and vital infrastructure.

Recognising children's rights would also mean Israel should rescind all policies and practices contributing to the creation of a coercive environment and/or increasing the risk of forcible transfer of Palestinians. This includes repealing or amending all planning laws and policies that are discriminatory or that are contradictory to international law. **Failing to do so will leave more children without a home or an education, adding to the impact the pandemic is already having on their lives.**

²² See page 11 for more information on the relevant international laws. Article 53 of the Fourth Geneva Convention prohibits the destruction of property not justified by absolute military necessity; forcible transfer of the protected population is strictly prohibited under Article 49 of the Fourth Geneva Convention; Article 49 also provides that the occupying power shall not deport or transfer parts of its own civilian population in the territory it occupies.

²³ CRC Article 27

Context

Demolitions in the West Bank

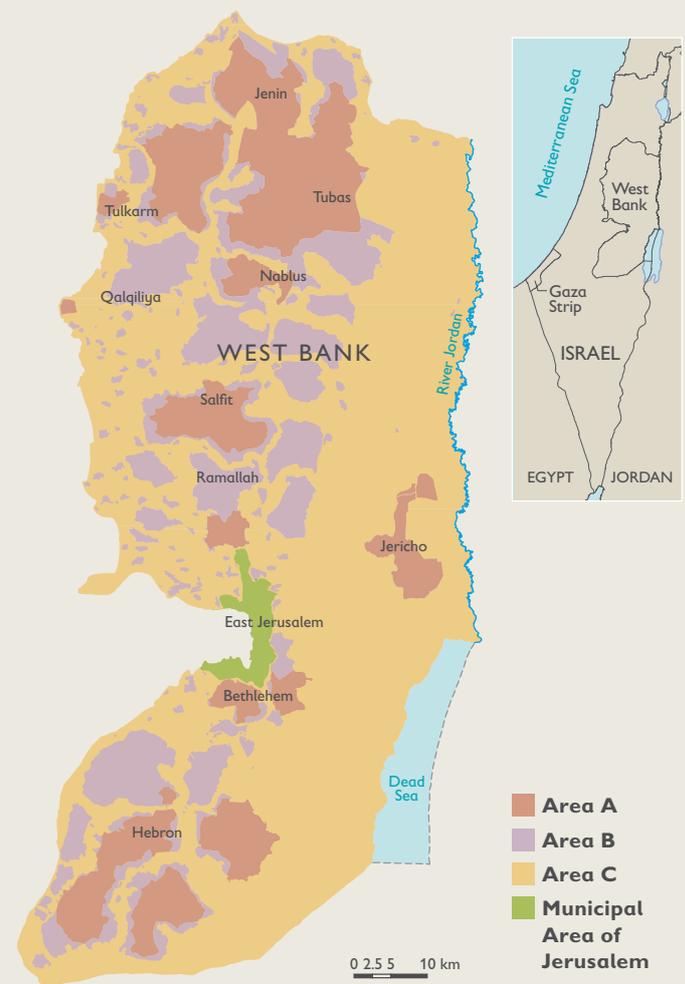
The threat of their homes being demolished by Israeli authorities looms over tens of thousands of Palestinians living in the West Bank, including East Jerusalem.²⁴ For more and more families – especially those living in the areas under full Israeli control, Area C, Hebron H2, and East Jerusalem – this threat is becoming a reality. In most cases, the justification given by Israeli authorities for demolishing homes is a lack of Israeli-issued permits – through a planning system that severely limits Palestinian construction.

In 2020, 854 structures were seized or demolished across the West Bank, resulting in the displacement of some 1,000 Palestinians, including more than 500 children.²⁵ This means that 2020 marked a four-year high in the number of Palestinian children who were displaced, despite the backdrop of the COVID-19 pandemic.

As UN human rights experts pointed out, secure housing is one of the ultimate protections that people possess to protect themselves against COVID-19.²⁶ Between January to March 2021, thirty water, sanitation or hygiene structures were demolished – the highest quarterly number in the last 10 years.²⁷ In addition to violating the clear prohibition of destruction of property,²⁸ these incidents could amount to a violation by the Occupying Power of its obligation to ensure and maintain public health and combat the spread of the epidemic under international humanitarian law (IHL) and international human rights law (IHRL).²⁹

It is important to note that demolitions disproportionately affect communities that are already vulnerable or marginalised. Families facing demolitions earn an average of 61% of the national income.³⁰ **The majority of households (57%) that**

THE OCCUPIED WEST BANK, INCLUDING EAST JERUSALEM



The Oslo II Accord divided the West Bank into three administrative divisions – Areas A, B and C – which are each governed differently. Area A is exclusively administered by the Palestinian Authority; Area B is administered by both the Palestinian Authority and Israel; and Area C (which makes up 60% of the West Bank) is administered by Israel and contains Israeli settlements.

²⁴ It is estimated that more than 10,000 demolition orders against Palestinian structures in Area C are currently pending. At least a third of all Palestinian homes in East Jerusalem lack an Israeli-issued building permit, potentially placing over 100,000 residents at risk of displacement. See https://www.un.org/unispal/wp-content/uploads/2020/11/EUDEMERTPT_181120.pdf

²⁵ See OCHA dashboard on demolition and displacement data in the West Bank: <https://www.ochaopt.org/data/demolition>

²⁶ Michael Lynk, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; and Balakrishnan Rajagopal, Special Rapporteur on adequate housing: <https://reliefweb.int/report/occupied-palestinian-territory/un-experts-condemn-israel-s-demolition-houses-palestinian>

²⁷ ACAPS see <https://www.acaps.org/weekly-picks/2021-05-05>

²⁸ Article 53 of the Fourth Geneva Convention

²⁹ Ibid., art. 56; and International Covenant on Economic, Social and Cultural Rights, art. 12

³⁰ Households exposed to demolition reported an average monthly income of 2,792NIS, compared to 4,586NIS nationally. Mohsen Ayyash et al., 2020. Income and Consumption Inequalities in Palestine: a Regression-Based Decomposition Approach. See <https://portal.arid.my/Publications/e5b30880-d2dc-4dd1-b8f6-b59fa0fe3002.pdf>

participated in the study live below the poverty line.³¹ Families facing demolition also generally have lower level of education than the general population of the West Bank, with 86% having less than 12 years of schooling and lower rates of college education. Only 13.8% of surveyed heads of households have completed any level of college education. This is compared to 20.1% among Palestinians living in the West Bank. **Almost a third (29%) of the families who participated in this study are from Bedouin communities**, who have limited coping resources when displaced. They are reliant upon herding, with few other opportunities to earn money or provide for their families.

In addition to children losing their homes, there are currently 53 schools facing the risk of demolition across the West Bank and East Jerusalem. An estimated 5,250 children are at constant risk of seeing their school destroyed and losing out on an education. Other structures that are critical for the development, livelihoods, health and wellbeing of Palestinians are also routinely torn down, including livelihood and agricultural structures, and water and sanitation facilities.

Types of demolition

Administrative demolitions are the most common and are carried out due to “unlawful construction” when families build without Israeli-issued permits. In areas controlled by Israeli authorities, these permits are almost impossible for Palestinians to obtain due to the restrictive and discriminatory planning system, leaving families facing the choice of building ‘illegally’ – or going without adequate housing, public services, and schools, and with under-developed community infrastructure.

Palestinians can only legally build in less than 1% of Area C – and even within that 1%, permits are mostly refused by Israeli authorities. Between 2000 and 2020, Israeli rejected more than 96% of Palestinian building permit applications.³² Of all public lands in the West Bank that are allocated for any kind of use, approximately 0.24% went to Palestinians, with 99.76% going to Israeli settlements and infrastructure. Legal experts have concluded that the planning system in place is contrary to international law and obligations as it does not respect the local laws, manners and customs of the protected population. Additionally, the planning process fails to ensure the basic needs and public order, safety and civil life of the Palestinian population. Instead, the planning system undermines Palestinians rights and safeguards under both IHL and IHRL.³⁶

Enforced self-demolitions

Palestinians in East Jerusalem are sometimes forced to destroy their own homes as heavy fines are imposed should Israeli authorities carry out the demolition instead – or due to an amendment to the Israeli Planning and Building Law, which fines the owners of an ‘illegal’ structure for any additional day the structure is used – which many families simply can’t afford.³³ This type of demolition both minimises the level of criticism from the international community,³⁴ and reduces the cost of the demolition for Israel. Families reported that this practice also increases the sense of humiliation and distress experienced. In 2020, there was a major increase in the proportion of structures demolished by their owners, following the issuance of demolition orders.³⁵ 28% of families who were consulted were forced to pull down their own homes, all of whom were living in East Jerusalem.

³¹ According to PCBS sources, the latest estimate of the Palestinian poverty line is 2,470 NIS. See PCBS, 2020. http://www.pcbs.gov.ps/Downloads/book2368.pdf?date=7_5_2018

³² See Haaretz <https://www.haaretz.com/israel-news/.premium-israel-rejects-98-of-palestinian-building-permit-requests-in-west-bank-s-area-c-1.8403807>

³³ According to the regulations, fines may reach up to 300,000 new shekels. The owners may be charged extra sums for any additional days of use, as well as the cost of the demolition itself, if this is carried out by the municipality.

³⁴ Al Haq, see <https://www.alhaq.org/advocacy/16540.html>

³⁵ B'tselem, January 2020, see https://www.btselem.org/press_releases/20200106_2019_house_demolitions

³⁶ See Diakonia, <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions1/Administrative/>

Suma*, 17, Yara*, 16 and Yousef*, 10, are under threat of eviction from their home in Sheikh Jarrah/Jerusalem. (Photo: Farah Abu Sahliya/Save the Children)



Similarly, Palestinians can legally build in just 13% of East Jerusalem – however, much of this land is already built up, the permitted construction is limited, and the application process is complicated and expensive.³⁷ Since Israel unlawfully annexed East Jerusalem,³⁸ the Palestinian Authority (PA) has no jurisdiction or presence in the area, leaving families particularly vulnerable to forcible transfer and displacement. The threat of demolition looms large for a significant portion of East Jerusalem Palestinians, with as many as a third of Palestinian homes lacking the proper official Israeli building permits, potentially putting as many as 100,000 people at risk of forcible transfer.³⁹ In East Jerusalem, Palestinians are also at risk of being displaced due to revocation of residency rights, ban on family unification, housing shortages, and complex and discriminatory planning schemes.⁴⁰ This has resulted in under-developed and under-serviced – but over-crowded – communities, that have high levels of poverty.⁴¹

This all results in a coercive atmosphere, where property demolitions and discriminatory policies displace Palestinians from their homes, lands, and livelihoods in direct violation of international law.

Legal experts have noted that there is no administrative exception under Article 53 of the Fourth Geneva Convention, which prohibits demolitions as a form of destruction of property.⁴² Occupying Powers cannot bypass their legal obligations or sidestep prohibitions by engaging in “administrative” processes. It is further noted that *‘the planning system in place is not in line with international law’*.⁴³

³⁷ See Diakonia, <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions1/Administrative/#:~:text=Under%20Israeli%20zoning%20policy%2C%20Palestinians,been%20rejected%20in%20recent%20years>

³⁸ Israel captured the whole of Jerusalem in 1967, putting it under its sovereignty and civil law. In 1980, Israel passed a law making its annexation of East Jerusalem explicit.

³⁹ OCHA. 2019. “Record number of demolitions, including self-demolitions, in East Jerusalem in April 2019.” Monthly Humanitarian Bulletin | April 2019. <https://www.ochaopt.org/content/record-number-demolitions-including-self-demolitions-east-jerusalem-april-2019>

⁴⁰ A/68/513, para. 32; and A/HRC/34/38, para. 26. & Diakonia, see: <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions1/Administrative/>

⁴¹ B'Tselem, see <https://thisisapartheid.btselem.org/eng/#5>

⁴² Diakonia, see <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions1/>

⁴³ Diakonia, see <https://www.diakonia.se/en/IHL/where-we-work/Occupied-Palestinian-Territory/Administration-of-Occupation/House-Demolitions1/>



Israeli bulldozers demolish a house belonging to a Palestinian family in the al-Tur neighbourhood of East Jerusalem. (Photo: Saeed Qaq/APA Images/ZUMAPRESS.com/Alamy Live News)

Punitive demolitions are retaliatory actions against Palestinians who Israeli authorities claim have attacked Israeli civilians or security forces. However, in almost all cases, the individual who allegedly carried out the attack was either killed during the incident in which the attack was said to have been perpetrated or was arrested and no longer lives in the house.⁴⁴ Consequently, in most cases the persons adversely affected by such demolitions are the other members of the household. This policy therefore constitutes collective punishment, which is absolutely prohibited under applicable provisions of international humanitarian law.⁴⁵ Israel claims that these demolitions act as a deterrent to others who may be planning to commit crimes against Israel, but there is scant evidence supporting this⁴⁶ – and in any event, deterrence in no way justifies a breach of the absolute prohibition on collective punishment.

A quarter of families consulted said that they had received a demolition order for punitive reasons. In many of these cases, the demolition is just one of the punitive measures inflicted against the family or wider community. 11-year-old Samer said: *“My father was killed by soldiers who claimed that he was violent around a settlement. But I know that he would never do such a thing because he loves us so much. Not only did I lose the most important person in my life, but then they came for our house. First, they made me an orphan, then they made me homeless.”*

IHL prohibits the punishment of protected persons for offences they have not personally committed; this is called collective punishment pursuant to Article 33 of the Fourth Geneva Convention.

⁴⁴ B'tselem, see https://www.btselem.org/punitive_demolitions

⁴⁵ Article 33 of the Fourth Geneva Convention

⁴⁶ B'tselem, see https://www.btselem.org/punitive_demolitions

Relevant international laws

International humanitarian law (IHL) applies in the oPt. Israel is bound by IHL as a party to the conflict, and as an Occupying Power it is bound more specifically by the sub-set of IHL rules that form the law of occupation. Since Israel exercises effective control over Palestinians' enjoyment of their human rights, it also has extraterritorial human rights obligations towards Palestinians.

Key provisions of IHL which outline the obligations to respect the fundamental rights of those under occupation are Article 27 of the Fourth Geneva Convention which proclaims the principle of respect for the human person and the inviolable character of the basic rights of individuals and Article 46 of the Hague Regulations which protects family honour and rights, the lives of persons, and private property.

The displacement of communities as a result of demolitions contravenes various protections to which protected persons are entitled under IHL. Demolitions, as a form of destruction of property, are prohibited, unless there are imperative military requirements,⁴⁷ pursuant to Article 53 of the Fourth Geneva Convention. Forcible transfers of protected persons, as a result of a coercive environment or otherwise involuntary, are also prohibited, pursuant to Article 49 of the Fourth Geneva Convention.

Violation of the prohibition of forcible transfer, amounts to a grave breach of the Geneva Conventions, as does the extensive destruction of property. Demolitions that result in the involuntary displacement of Palestinians in the oPt, arguably constitute an act of forcible transfer. Israel is obligated to suppress all violations of IHL by its agents. Additionally, for grave breaches of the Convention, Israel has to search for, prosecute or hand over to other courts, perpetrators of grave breaches. All other States are also entitled to, and even obligated, to prosecute alleged grave breaches.

In addition to the protections safeguarded by IHL, Israel's policy and practice of demolitions and forced eviction in the oPt violate the right to adequate housing enshrined in several bodies of IHRL, such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.⁴⁸

As noted above, Israel's demolition practices are linked to other unlawful policies, including settlement expansion. Article 49 of the Fourth Geneva Convention prohibits the Occupying Power from deporting or transferring parts of its own population into the territory it occupies.

All States are obligated to ensure respect for international humanitarian law in all circumstances, pursuant to common Article 1 of the four Geneva Conventions. This includes ensuring that Israel complies with its obligations as an Occupying Power under the law of occupation.

As mentioned above, children are guaranteed the general protection of IHL, but there are also special provisions that recognise their particular vulnerability. Their special needs for medical help, food, shelter and clothing are recognised by the Geneva Conventions, which guarantee them special care, and the 1977 Protocols grant them special protection.⁴⁹ Furthermore, the UNCRC obligates Israel to act in the best interests of the child and to make it a primary consideration in all of its actions and omissions affecting children.

⁴⁷ UN Human Rights Experts have repeatedly claimed that the exception of military necessity has not been met by Israel, for example when Israel used 'military training' as justification: "These justifications by Israel do not satisfy its strict obligations under international law. An occupying power cannot use the territory under occupation to conduct military training operations without ample justification. We note that Israel has plentiful grounds for military training within its own borders."

⁴⁸ See OHCHR for examples <https://www.ohchr.org/en/issues/housing/pages/internationalstandards.aspx>

⁴⁹ See CIHL, Rule 135. https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule135

Findings: the experience and impact of demolitions

“Everything in my life has changed. I can’t cope with the changes. We had to move areas and I don’t feel part of the new community – I feel unsettled.”

Yasmine, 17 years old, East Jerusalem

Methodology

Between December 2020 and February 2021, a survey and in-depth interviews were conducted with 217 households, including 67 children between the ages of 10 and 17 years old – all of whom have had their homes demolished by Israeli authorities in the past ten years.

The families who participated live in 58 communities across the West Bank, with a majority living in areas that are especially vulnerable to demolition orders – Area C and East Jerusalem. 77% of participants live in Area C, 14% in East Jerusalem, and 9% in Areas A or B. Of the adults who participated in the survey, 74% were men and 26% were women, and of the children who participated, 60% were girls and 40% were boys.

The statistics cited throughout this paper are based on the responses from these 217 families who took part, unless attributed to a different source.

Mental health and protection risks

“I feel paralysed, unable to move on in my life. Everything in life scares me.”

Mai, 11 years old, East Jerusalem

Being forced from their homes, communities, and lives is a hugely unsettling event for children, which can dramatically impact their mental wellbeing. Along with losing their homes, they also lose their toys, clothes, schoolbooks, and other personal belongings. Displaced children often don’t feel settled or at home in the communities they move to. **70% reported feeling disconnected from their lands and communities, and 40% felt more socially isolated after the demolition.**

Being uprooted can shatter their sense of stability, creating lasting psychological effects, which can prevent children from reaching their full potential. “We keep moving around to find somewhere to live – the instability is driving me crazy. I feel that wherever I go, they will come for me and destroy my life.” Faris, 14 years old, Area C

Despite efforts from the humanitarian community to provide mental health and psychosocial support, there remains critical gaps amid funding shortfalls.⁵⁰ There

is need of a strengthened referral system to ensure that children get the care they need, which the PA could facilitate in the areas where it has jurisdiction.

The children who were consulted showed high rates of emotional distress, with a majority reporting feelings of sadness, fear, depression, and anxiety. Children described having frequent nightmares, feeling like there is no safe place for them, and paralysed with fear:

- “All I have are sad memories. I still feel traumatised by the soldiers and their dogs attacking and injuring my father [during the demolition]. I have nightmares about the bulldozers ripping away every stone in our house, and the sounds of the explosions still haunt me.” Ghassan, 15 years old, Area B
- “I feel insecure and exposed. Every day and night I feel unsafe. I feel terrified of the soldiers and settlers all the time. When they demolished my house, I felt that my whole life had come to an end.” Kinan, 12 years old, Area C

⁵⁰ The funding needed for Protection in 2021 is just 15% funded as of May 2021, see <https://fts.unocha.org/appeals/1012/clusters>

80% of the children believe that their rights are not protected, which is accompanied by the feeling that nobody can protect them – including their parents and themselves. Most children described feelings of disempowerment, helplessness, lack of self-confidence:

- “I feel depressed, like I’ve lost all of my energy. I stood there [watching the demolition], unable to do anything about it – so, I don’t feel confidence in myself to do anything in my life.” Youssef, 15 years old, Area C
- “I feel incapable of protecting myself. The soldiers and settlers can do anything they want, anytime. So, why bother?” Rasha, 16 years old, Area B
- “There is nothing that I or my parents can do. Not the Palestinian Government, not the international organisations, not my parents. No one protects my rights.” Nadia, 17 years old, East Jerusalem

However, to a minority of children, their traumatic experiences serve as a driver for resilience and perseverance. 15-year-old Lina said: “Our land, our lives, our dreams, our hands will all come together to build the future that we want. I will never give up on my dreams. I am actually more determined now than I was before the demolition.”

Children who are displaced are at heightened risk of being forced into child labour, pressed into early marriage, and exposed to violence,

abuse and exploitation. 17-year-old Nada said: “The instability following the demolition made my parents think that it would be better for me to stay at home. I then became engaged to be married, as my parents thought that would be safer for me than going to school.”

One in ten families reported that at least one of their children had to start working to support the family after the demolition and resulting displacement and loss of assets. This is a more frequent coping mechanism in female-headed households. 14-year-old Omar* said: “Our living conditions are much worse now and we worry about affording food and the paying the bills. I must work at the street corner to help my mother. It is dangerous there - the settlers and soldiers harass me sometimes.” Displacement also increases the challenges faced in children accessing protective services, leaving them cut-off from vital support when they need it most.

Education

The majority of families (60%) said that their children’s education has been jeopardised due to their home being demolished. In the immediate aftermath, children are absent from school as their families reel from the displacement. Most children no longer have their school uniforms or books, as

Case Study: Neiji

10-year-old Neiji is from a small Bedouin community in the South Hebron Hills, a region that witnesses frequent violence from Israeli authorities and settlers. The family’s home has been demolished five times in total. They are currently living in a small tent above the demolished home and in a cave underneath the home – it’s a space that serves as their living and sleeping area, but they don’t have a kitchen or a restroom.



Neiji and his family’s demolished home, with the tent they now live in. (Photo: Farah Abu Sahliya/ Save the Children)

Neiji said: “The soldiers came to demolish our home. We’ve rebuilt it five times. Every time we build it, they come and demolish it again. I felt afraid and sad about the house, but my father told us that we’re going to rebuild it and if they come to demolish it, we’ll keep on rebuilding. I used to miss the home a lot, a lot. It was really nice - we used to be able to sleep in it comfortably. It was beautiful, the best home. We used to play in it, and study in it, and sleep in it. After the army came to destroy our home, my friends stopped coming over, because there wasn’t anything left to play with.”

their possessions were lost in the demolition, which are later replaced by the PA or the humanitarian community. **Some children (18%) can no longer access their original schools, and must try to find space in over-subscribed schools in their new communities. Other children make long and sometimes dangerous journeys to reach their old schools, which pushes up the cost of education for many (46%) of families.** 14-year-old Nour said: *“It used to take me five minutes to get to school, now it’s an 80-minute round-trip and I have to walk in all seasons. My parents are very worried about my safety but still support me. I am driven by my belief that I can improve my life through education.”*

In the longer-term, both children and parents reported that the emotional impact of losing their home has a significant knock-on effect on their ability to concentrate in class, with some displaying serious behavioural problems.⁵¹ In some cases, children drop out of school.

- *“I suffer from nightmares and I always feel sick. Moving so many times has distracted me from my education. My grades are now lower and the teachers don’t understand my feelings.”* Leila, 16 years old, Area C
- *“It’s hard to think about going back to school when all my notes and books are buried in the rubble. The new, clean schoolbooks remind me of how empty my life is now.”* Nuha, 15 years old, East Jerusalem

Impact on parents

Parents reported feeling powerless and unable to protect or provide for their families. This was often accompanied by a sense of shame:

- **76% of parents feel that they are unable to protect their children after losing their homes.** This is more common among mothers (82%) than fathers (74%).
- **Three quarters of parents feel ashamed that they were not able to protect their families and homes.** This sense of shame is felt more keenly by fathers (78%) than mothers (66%).
- **65% of parents feel less able to provide for their families compared to before the demolition.**
- **72% feel more irritable after the demolition, with 47% experiencing feeling intense anger or aggression.**

The emotional impact of demolitions on parents negatively impact their relationship with their children, **with more than a third of parents reporting feeling more emotionally distant from their children since losing their home.**

Livelihoods

Eight in ten households reported that demolitions had a detrimental impact on their economic security, with more than a quarter losing their main source of income. 19% of households reported more than one family member losing their job. **In addition to losing their homes, 65% of households lost other assets**

Case Study: Zeina

The impact of demolitions and displacement on children is compounded for those living with disabilities, especially those living in rural or marginalised communities, which often lack access to essential services. 14-year-old Zeina, who is living with a lower leg amputation, said:

“After my foot was amputated, I struggled to adjust and immediately felt discriminated against. I found it difficult to go to school, and use the community facilities. However, I became even more determined to succeed and prove to everyone that I could do anything – even with my disability. But then our home was destroyed – and so was all my determination and hope for the future. My father died of a heart attack. I believe that sadness over losing our home killed him. With his death, I lost any last energy or motivation left in me, and sadness consumed me. I dropped out of school, and now I feel helpless and hopeless. Nobody helped me. But my dream is to be a nurse – perhaps one day I’ll go back to school after I feel better.”

⁵¹ See Save the Children <https://resourcecentre.savethechildren.net/node/1497/pdf/1497.pdf>



10-year-old Yousef* and his pigeons may be evicted from the home in which he was born in Jerusalem.
(Photo: Farah Abu Sahlia/Save the Children)

or belongings, or were otherwise prevented from accessing them by Israeli authorities. Compounding the issue of families' plummeting income, a majority (61%) reported that the cost of living also increased. 52-year-old Anas* from East Jerusalem explained: "Before, we didn't pay rent but now we have to. We used to grow vegetables in our garden but now we can't access it. We live further away from work and school, so the cost of transport has doubled. We pay more for everything, but we are so much poorer than before."

The increasing expenses and the lower standards of living are leading to higher levels of food insecurity, with the majority of families (55%) reporting that their food security has deteriorated as result of the demolition.

Living with dignity and access to services

Almost half of families feel they are unable to lead a dignified life after their home was demolished. Families explained that this is related to their ability to access essential services:

- **A majority of families (55%) could not access health services after losing their homes.**
- **38% had issues accessing essential services such as water and electricity after the demolition.**
- **More than half (55%) of participants feel unsafe in their new homes.**

Displacement and relocation

A frequent and highly damaging consequence of demolitions is that children and their families become displaced and sometimes must relocate to a different community. In the West Bank, most people stay in their community and rebuild their homes, with support from the humanitarian community. In East Jerusalem, it is common for families to have to move to a new area. Some can never return to their original residence, either because they are prevented from doing so by Israeli authorities or because the area is no longer safe.⁵²

House demolitions are often followed by long periods of instability for the family, with many moving at least twice before permanently settling.⁵³ **Of the families that were forced to relocate, the majority (68%) had to rely on their own savings or borrow money from family members.**

While the majority of families were living in their house at the time of demolition, some witnessed the destruction of the home they were moving into (and had already paid for). This was the case for 15-year-old Zahra, who said: "I was dreaming of having my own room with my own books. I love to read novels and travel the world and peek into other cultures through reading. The only place I couldn't move to is my new room in my new house. The military beat us to it, and it was just another dying dream."

⁵² See Save the Children <https://resourcecentre.savethechildren.net/node/1497/pdf/1497.pdf>

⁵³ See Save the Children <https://resourcecentre.savethechildren.net/node/1497/pdf/1497.pdf>

Notice of demolition

In Area C, new military orders have enabled the Israeli authorities to circumvent the procedures enshrined in the planning legislation and execute the demolitions/seizures without, or with very short, prior notice.⁵⁴ A lack of proper notification limits families’ abilities to mount an effective legal case challenging the order.

31% of families did not receive a formal written demolition notice, with 24% never receiving any type of notice. The majority of the families who were notified, did not receive the order directly from the authorities. Many unclear notification tactics are used, for example:

- “They placed the order on one of our walls, where we couldn’t read it.”
- “They placed the demolition order on the neighbour’s wall, and for some time we all thought it was his place that will be demolished.”
- “The order was in Hebrew and we just didn’t understand or believe that they wanted to demolish our house.”

Attacks during demolitions

House demolitions are often accompanied by injuries, arrests and even the death of family members by military personnel. Of the families consulted, many reported suffering violence and detention during the demolition:

- **15% of families reported that a child was assaulted**
- **A third of all children reported witnessing a family member being attacked**
- **29% of people were physically assaulted by military personnel**
- **Four in ten were verbally assaulted by military personnel**
- **One in ten households reported that a family member was arrested**

Among those who were attacked, 45% had no access to emergency medical care.

Compensation

Despite losing their home, possessions, and livelihood, and facing spiralling living costs, most families are not given compensation. Where there has been a breach in IHL, the state responsible for the breach must compensate the injured. Because the demolition of houses constitutes a violation of international humanitarian law, Israel is obligated to compensate the Palestinians who suffer losses as a result of these unlawful acts. This duty is a customary principle incorporated within international humanitarian law, including the Hague Convention.⁵⁵

Just 3% of the families reported receiving compensation from Israeli authorities.⁵⁶ This small minority were all living in Area C, where Israeli authorities sporadically give compensation to displaced families – however, this is viewed as ‘incentives to leave’ by affected communities. A member of the Palestinian Colonisation and Wall Resistance Commission expanded on this point: “The Israeli occupation offers residents, especially in Bedouin communities, financial incentives to leave the land. They follow up the actual demolition with a small sum of money and help families to relocate to other regions. But, this is rare and the exception to the rule – generally, the Israeli authorities do the damage and demand that Palestinians pay for it.”

Most (88%) dispossessed families are also not offered any compensation from the Palestinian Authority. This varies significantly between the different regions, with 50% of households in East Jerusalem reporting that they were offered compensation, compared to 26% from Areas A and B, and just 4% from Area C – who instead generally rely on support provided by the humanitarian community. A legal expert who was interviewed said: “Families living in Areas A and B have much more agency and can reach decision makers in the PA more easily. In Area C, people are offered very limited assistance – a tent and perhaps a solidarity visit – which doesn’t mean much to communities facing continuous human rights violations.”

⁵⁴ Neither Military Order 1651 nor the ‘Military Regulations Concerning the Transfer of Goods’ require the authorities to provide prior notice about their intention to seize a property, thus preventing affected people from objecting in advance. See OCHA for more details <https://www.ochaopt.org/content/peak-demolitions-and-confiscations-amidst-increasing-denial-right-justice>

⁵⁵ Article 3 of the Hague Convention, article 148 of the Fourth Geneva Convention, article 91 of the First Additional Protocol to the Geneva Conventions of 1949

⁵⁶ The payment of compensation has no effect on the unlawful nature of demolitions and forcible transfer under IHL.

A coercive environment

Demolitions should not be seen in isolation, but as a pillar of the coercive environment confronting Palestinians in parts of the West Bank, along with service deprivation, seizure of land and property, settlement construction, exposure to violence and excessive force, and discriminatory policies. These actions stall the development of Palestinian communities, forcing many to leave the area in search of more dignified living and safe conditions.⁵⁷

Families living in Area C and East Jerusalem who have been issued demolition orders also experience disproportionate number of other rights violations – violations that make their lives unsafe, undignified, or unpleasant enough to force them to move. **Around 40% of the families consulted said that they were regularly exposed to settler attacks, while 80% reporting that they were exposed to home raids and attacks by the military and police forces.** Of these, 21% reported that they experience attacks on a daily basis, with 29% stating that they are attacked several times a week. This is compared to just 5% of families in Areas A and B reporting frequent attacks by settlers. As stated in the Secretary General’s report on demolitions, “*settler violence is directly related to the continued existence and expansion of illegal settlements throughout the West Bank, including East Jerusalem, and has far-reaching implications for the rights of Palestinians*”.⁵⁸

Demolitions are linked to other unlawful Israeli policies, including settlement expansion in the West Bank, including East Jerusalem. The former UN Special Rapporteur on the oPt, Richard Falk, stated that the “*information [...] inevitably leads to the conclusion that Israel is implementing a deliberate policy of forcing Palestinians out of their homes and off their land, in order to establish more illegal settlements and to proceed with the de facto annexation of the West Bank, if not altogether, at least in relation to its substantial part*”.⁵⁹

Demolitions must therefore be contextualised in the unlawful, systematic fracturing and acquisition of Palestinian land by the occupying forces.⁶⁰ Since 1948, Israeli authorities have built hundreds of Jewish communities, but not a single one for Palestinians.⁶¹ Israeli officials themselves have admitted the aim over the years. For example, the current master plan guiding municipal policy in Jerusalem, the Jerusalem 2000 Outline Plan, warns that “*the continued proportional growth of the Arab population in Jerusalem is bound to reduce the ratio of the Jewish population in the future*” and calls “*to prevent such scenarios, or even worse, from taking place*”.⁶²

⁵⁷ <https://reliefweb.int/report/occupied-palestinian-territory/un-reiterates-its-call-demolitions-end-and-international-law>

⁵⁸ https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Documents/A%20HRC%2031%2043_E.docx A/HRC/28/44, paras. 39–46, and A/69/348, paras. 36–44

⁵⁹ <https://www.un.org/unispal/document/auto-insert-208306/>

⁶⁰ Badil, see <https://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/FT-Coercive-Environments.pdf>

⁶¹ See Btselem <https://www.haaretz.com/israel-news/premium-jewish-national-fund-pushes-forward-plan-to-legalize-west-bank-land-purchases-1.9702491>

⁶² Nathan Thrall, <https://www.nybooks.com/daily/2021/03/19/a-day-in-the-life-of-abad-salama/>

Conclusion and recommendations

The demolition of Palestinian homes and critical infrastructure, the expropriation of Palestinian land, and the resulting forcible transfer are illegal under international law and represent a fundamental obstacle to the enjoyment of human rights by Palestinian children. This research shows that the consequences of demolitions go far beyond loss of physical property – their mental health and sense of security deteriorates, their family relationships become strained, their education is jeopardised, and they are exposed to protection risks.

It is important to note that these are not ‘new’ findings. Instead, these testimonies from children and their families re-affirm the wealth of evidence that has been collected for many years by Palestinian, Israeli, and international NGOs, and the UN. Most of the following recommendations have also been published previously,⁶³ which the Government of Israel has consistently failed to act upon. While the international community continues to publish statements of concern and condemnation – which are welcome – it is clear that this approach is not deterring Israel from escalation of its demolition and settlement, let alone its cessation and reversal, as is required under international law. Unless the international community makes clear that it will hold the Government of Israel accountable for such violations with meaningful consequences, we will continue to see Palestinian homes and schools razed to the ground, and generations of Palestinian children burdened with the consequences.

Under international law, military occupation must be “*temporary and exceptional*”, the Occupying Power cannot legally assume sovereignty in the occupied territory, and it is obligated to act in the best interests of the occupied people.⁶⁴ Contrary to international law, the Government of Israel continues to treat parts of the occupied area as its own sovereign territory, seizing land, establishing settlements and altering the demographic composition of areas. Finding a

peaceful settlement to the conflict and ending the occupation⁶⁵ is the single most important way to reduce humanitarian needs and ensure respect for and fulfilment of children’s rights across the region, in accordance with UN resolutions.⁶⁶

Save the Children is calling for an immediate end to the demolition of homes and property in the oPt, which leads to the displacement and dispossession of Palestinian children and their families.

Specifically, Save the Children urges the Government of Israel to:

- Halt immediately the demolition of Palestinian homes, schools, and other vital infrastructure, in line with its international obligations.
- Rescind all policies and practices contributing to the creation of a coercive environment which increases the risk of forcible transfer of Palestinian communities.
- End and reverse all unlawful settlement development and related activities, in accordance with relevant UN resolutions, including UNSC resolution 2334.
- Make guarantees of non-repetition and provide full reparation, including adequate compensation, to all those affected by demolitions.
- Review planning laws and policies to ensure that they are compliant with the obligations of Israel under international law. Provisions which are discriminatory must be repealed or amended.
- Implement an eviction moratorium in the occupied West Bank, including East Jerusalem, until a genuine revision of Israeli planning laws and policies has been conducted to ensure compliance with international norms.

⁶³ See, for example: UN HRC, Amnesty International, Oxfam, Badil

⁶⁴ M Lynk, ‘Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 to the UN General Assembly A/72/556’, 23 October 2017, p. 11–12. https://ap.ohchr.org/documents/dpage_e.aspx?si=A/72/556

⁶⁵ The UN Special Rapporteur for the situation of human rights in the oPt, Michael Lynk, has argued that not only are many individual elements of Israel’s occupation illegal, but fundamentally its entire role as the occupier has “crossed a red line into illegality”.

⁶⁶ Such as UNGA Resolution 2628, see: <https://www.jewishvirtuallibrary.org/un-general-assembly-resolution-2628-november-1970>. Other UN resolutions, such as UNSCR 2334, states that Israel’s settlement activity constitutes a “flagrant violation” of international law and has “no legal validity”.

- Improve Palestinian access to land and resources they own, to basic services and markets, particularly in the Jordan Valley, to areas behind the Barrier, to land in the vicinity of Israeli settlements, and to land designated as closed military zones.
- Take all steps necessary to protect the Palestinian population, including to prevent attacks by settlers, and ensure accountability and reparations in cases of settler violence against Palestinians and their property.

Save the Children urges the Palestinian Authority to:

- Ensure the provision of sufficient rehabilitative and reintegration support for children and their families who are affected by demolitions. This includes access to focussed, specialised and gender-appropriate psychosocial support and child protection services. The PA should facilitate the implementation of a referral system, so that children get the care they need.
- Prioritise the training of social workers in the Ministry of Social Development (MoSD) and the Ministry of Education to better support displaced children – or those at risk of displacement, and to adequately resource and strengthen the appropriate referral and information sharing mechanisms. Newly displaced families should also be prioritised for welfare support by the MoSD.
- Consolidate the legal services available to families and strengthen outreach to affected communities. Members of at-risk communities should be targeted with further information on their legal rights, with clear direction about how to access support.

Save the Children urges the international community to:

- Systematically and publicly condemn all demolitions and confiscations reaffirming that Israel's discriminatory planning regimes work to forcibly transfer Palestinian civilians in the occupied West Bank as a means to further appropriate Palestinian lands, and demand restitution or compensation from the Government of Israel for demolished or confiscated donor-funded assets.
- Engage directly with the Government of Israel, reiterating that both the forcible transfer of Palestinian communities and the extensive destruction of property absent military necessity are recognised as grave breaches under Article 147 of the Fourth Geneva Convention.
- Develop meaningful policies and take concrete actions that exert adequate pressure on the Government of Israel, as occupying power, to stop violating international law in relation to demolitions and forced evictions. The international community should respond to any grave breaches of international law with more than mere criticism.
- Reaffirm that Israeli annexation of any part of the West Bank – either through formal declaration or the creation of 'facts on the ground' – would constitute a forcible acquisition of territory by use or threat of force, in violation of peremptory norms of international law.
- Ensure accountability for violations by adequately supporting existing international accountability mechanisms – whether judicial or non-judicial.

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