

Although this may be necessary to achieve a broad-based consensus so that instruments can be ratified by many nations and come into force, it allows States Parties to interpret the provisions as they see fit, and not according to the spirit in which the legislation may have been drafted.

Article 43 of the Hague Convention of 1907, and Article 64 of the Fourth Geneva Convention of 1949 impose certain duties on an occupying power. These are based on the principle that the occupier is not the sovereign authority in the territory and cannot make any changes to the law and administration except those necessary on a temporary basis for military purposes. Occupying powers are obliged to retain and comply with local laws. Yet, since 1967 Palestinians have consistently been arrested, detained and tried within the Israeli Military Court system. This situation has continued almost unabated since the beginning of the Peace Process and continues to involve Palestinian minors. Mr. Quzmar stated that, contrary to the provisions of Article 40 of the CRC, there are no juvenile courts, no specifically trained juvenile judges, no probation officers and no special police officers who can deal with the interrogation and detention of children. The difference between children and adults with respect to the law relates to sentencing and not to procedure.

The Israeli government has ratified the CRC (August 4, 1991) but has not yet submitted a report to the Committee on the Rights of the Child in accordance with its obligation under Article 43. DCI/PS believes that Palestinian children are subject to the rights of the CRC according to Article 2 (1), which stipulates that 'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction...'. Under Israeli Military Order 132, Palestinian children are regarded as adults once they have reached the age of 16 years, unlike Israeli children who must reach the age of 18 years before attaining adult status. This affects the sentencing and place

Israeli Military Authority Violations of the Rights of Palestinian Children in Connection with 'Security' Offences of 1998-9

Year	Killed	Injured	Arrested
1998	14	340	490
1999	4	102	420

Statistics of Defence for Children International –
Palestinian Section, quoted in evidence
by Khaled Quzmar

of imprisonment of Palestinian children in conflict with Israeli Military law. Mr. Quzmar stated that DCI/PS records show that juvenile prisoners are not separated from adults, do not have regular family visits or access to lawyers, have their education disrupted, are subjected to interference and personal assault, and are given inadequate medical treatment. The DCI/PS Counselling and Rehabilitation Programme deals with the negative educational and psychosocial impacts of these violations of children's rights.

? Questions to Khaled Quzmar

The Tribunal's questions concentrated on issues of clarification regarding the relationship between the state of Israel and the Palestinian Authority. A member of the Tribunal requested further information regarding the status of a Palestinian armed force, to which Mr. Quzmar responded, there is still no such body as Palestine is not a state but a territory under the military occupation of Israel. Other members of the Bench requested more information about legal procedures and the jurisdiction of Israeli and Palestinian courts, especially referring to the juvenile courts.

A COMMITMENT TO CHILDREN

The new Millennium brings our thoughts on the human condition into focus. We have always brandished the standards of justice, equality and sharing. Across time and across continents, discussions are increasing, commitments are multiplying and declarations are sounding forth. The intention is to build a better world, and efforts to do so are seen as proof of 'shared humanity'.

And yet, despite all our technological progress we are confronted daily by human suffering, which reveals the indifference, and even the complicity, of the very people whose responsibility it is to govern our global village and work towards improving the well-being of its inhabitants.

In coming years we must all speak out - time and time again - about children: speak of their suffering, decry the injustices of which they are victims, tell of the realities of their lives. And, together with others who believe in children, families and rights, we must find solutions.

SUMMARY LUNCHTIME PRESENTATION

Ten years after its adoption, the CRC is the most widely ratified international human rights instrument and yet, in most parts of the world, children still suffer countless and repeated violations of their most basic rights. The 10th anniversary of the adoption of the CRC by the UN in 1989 was not a time to celebrate but rather for reflection and discussion, on the successes and shortcomings of the past and the challenges that still lie ahead. The Bureau will continue in its mission to work towards the implementation of this vital tool as well as towards a greater and wider understanding of the CRC by adults and children alike. On behalf of the Board of Directors, the staff of the Bureau and our partners, I should like to assure the children of the world that our efforts will increase tenfold, to ensure that their rights are respected regardless of their place of origin, race, culture, sex or religion.

Summary of lunchtime address by Judge Andrée Ruffo, President, International Bureau for Children's Rights, 4 April, 2000