

Coalition to Stop the Use of Child Soldiers

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Occupied Palestinian Territories

Palestinian children and Hamas

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An armed conflict marked by four decades of Israeli occupation

The declaration of the state of Israel in 1948, and the subsequent occupation of the West Bank and Gaza Strip by Jordan and Egypt respectively, resulted in a massive displacement of the Palestinian people who were the majority population in the area known as Palestine under the British Mandate.¹

The Arab-Israeli war of 1967 changed the picture of occupation, bringing the West Bank and Gaza Strip under Israeli control.² National liberation groups such as Fatah sprang up and united their efforts under a single umbrella organization known as the Palestine Liberation Organization (PLO). This was mainly supported by displaced Palestinian communities in neighbouring states, with limited impact on the population living under Israeli occupation.

However, by the late 1980s a grassroots resistance movement began to take shape which cut its teeth in the 1987 popular uprising known as the first intifada. This uprising was quickly taken up by the secular political groups under the PLO banner, and later by Hamas, which had only just begun life as an independent movement, after starting out as an offshoot of the Egyptian Muslim Brotherhood.³

The first intifada paved the way for peace negotiations between the PLO and Israel from 1991, which led to the Oslo peace accords of 1993 and agreement on a framework for a two-state solution. However, Hamas rejected this process,

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¹ Figures vary widely between Israeli estimates of just over 500,000 to Palestinian figures of nearly one million. In 1950, the General Progress Report of the UN Conciliation Commission for Palestine put the figure at 711,000. See UN Doc. A/1367/Rev.1, 23 October 1950, <http://domino.un.org/unispal.nsf/9a798adbf322aff38525617b006d88d7/93037e3b939746de8525610200567883!OpenDocument>.

² Approximately 95,000 of the 1948 refugees became refugees again in 1967. See Report of the Secretary-General under General Assembly Resolution 2252 (ES-V) and UN Security Council Resolution 237 (1967), UN Doc. A/6797 (1967), <http://domino.un.org/unispal.nsf>.

³ Richard Sale, "Analysis: Hamas history tied to Israel", UPI, 18 June 2002.

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establishing its own military wing, the Izz al-Din al-Qassam brigades, in 1991 to continue the fight against Israel.⁴ Throughout the mid-1990s this set Hamas at odds with most of the Palestinian population, including the newly-formed Palestinian Authority. However, it eventually gained wider popular backing as a result of the limited returns from the Oslo process, which included a deterioration of the situation in the territories occupied by Israel.⁵

The prevailing sense of frustration provided the backdrop to a second intifada which broke out in September 2000. This process reached its climax in 2003, with Israel's construction of a "separation barrier" wall around the West Bank and Arab districts of Jerusalem, involving the confiscation of further Palestinian land. In 2005 Israel decided to unilaterally withdraw from Gaza, although it also increased its support for settlers in the West Bank.

As a reflection of increasing frustration by the Palestinian population, Hamas enjoyed a large turnout in the 2006 Palestinian legislative elections which led to the formation of the first Hamas administration in March 2006.

An ideology of Islamism and nationalism

Hamas, or the *Haraka al-Musallaha al-Islamiya* (Islamic Resistance Movement), published its founding Charter in 1988. This reflects its Palestinian national and religious credentials. Key statements and objectives in the 36-point Charter include:⁶

- The importance of Islam: "The Islamic Resistance Movement draws its guidelines from Islam; derives from it its thinking, interpretations and views about existence, life and humanity; refers back to it for its conduct ..." (Article 1).
- Palestinian identity and its objective to liberate Palestinian territories from Israeli occupation (Articles 6, 11, 12, 13 and 15). This has subsequently been clarified by leaders as being the 1967 borders, in recognition of the impossibility of "removing Israel from the map",⁷ although conversely Article 13 states that "renouncing any part of Palestine means renouncing part of the religion".
- The use of jihad, usually interpreted as armed struggle, as the only means to achieve this end (Article 13).
- Hamas's links and heritage in wider Islamic history and politics, along with Palestine's historic importance to the Islamic faith (Articles 1, 3, 5, 7, 8 and 11).

In 2005 members of Hamas, including Muhammad Ghazal, one of its most influential political leaders in Nablus, started to talk publicly about making changes to

⁴ Amal Jamal, *The Palestinian National Movement: Politics of contention 1967-2005*, Indiana University Press, 2005, p. 118.

⁵ Nigel Parsons, *The Politics of the Palestinian Authority (PA)*, Routledge, 2005, p. 234.

⁶ The Charter of *al-Haraka al-Musallaha al-Islamiya* (Hamas), 1988, see <http://www.palestinecenter.org/cpap/documents/charter.html>.

⁷ Khaled Mashal, "Hamas leader in Syria", BBC World, 8 February 2006.

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the Charter, specifically in the parts relating to Israel,⁸ although no changes to the founding document have yet been made.

Before 2005, the group declined to put its agenda to the national vote, on the basis that the Palestinian Legislative Council (PLC) was a direct outcome of the Oslo process. However, in 2004-2005 Hamas began to argue that the Oslo process was over,⁹ and then stood in local and then national elections, under the platform of "Change and Reform".

The Hamas election manifesto for 2005-2006 appears to borrow heavily from other more secular Palestinian groups, such as Fatah and the People's Front for the Liberation of Palestine (PFLP).¹⁰ However, Hamas has also been campaigning on anti-corruption and the pursuit of clean government, and has a particularly well-articulated agenda on health, education and social welfare. It has stated it will remain bound by Islam, but that it recognizes that the Palestinian population is not yet ready to be governed by Islamic law.¹¹

A military structure integrated into the political and social apparatus

Hamas organizes its functions into political, welfare and military wings. The Izz al-Din al-Qassam brigades and offshoots like the Yahya Ayash units carry out the organization's military tasks. The brigades are thought to be led by Muhammad al-Deif and have a strong following in the Gaza Strip, particularly in the refugee camps, with strongholds also in Nablus and Hebron in the West Bank. The number of actual fighters or people in support functions in the military wing is not known.

The military wing is ultimately accountable to the same collegiate leadership that governs the rest of the group. In general, the military wing has a good record of compliance with decisions by the leadership, as evidenced during the *hudna*, or period of calm/ceasefire, from March 2005, when the group suspended suicide attacks against Israel. This was again extended in 2006.

The group consults leaders in the Gaza Strip, the West Bank, Israeli prisons and abroad before policy decisions are taken,¹² making the decision-making process rather slow. Elections are held for party positions every two years.¹³ However, Hamas remains a secret organization and it is not publicly known who or how many are the group's decision-makers.¹⁴ When co-founder Sheikh Yassin and political head Abd al-Aziz Rantisi were assassinated in March and April 2004 respectively, as part of Israel's "decapitation" policy, the group decided not to name a new leader.

⁸ Orly Halpern, "Hamas working on 'new charter'", *Jerusalem Post*, February 16 2006.

⁹ Mahmoud al-Zahar, Hamas co-founder and political leader in Gaza, as reported by Yaniv Berma, "Whither Hamas?", *The Media Line*, 6 October 2005, http://www.themedialine.org/news/news_detail.asp?NewsID=11458.

¹⁰ Coalition interview with People's Front for the Liberation of Palestine (PFLP) member, Hebron, 11 February 2006.

¹¹ "Hamas official: Group will make Islamic law a source for legislation", *Haaretz*, 29 January 2006.

¹² Coalition interview with Farhat As'ad, Hamas political leader and councillor, 7 February 2006.

¹³ Telephone interview, Alastair Crooke, Director, Conflicts Forum, 11 January 2006.

¹⁴ Coalition interview with Farhat As'ad, op. cit.

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Mahmoud al-Zahar in Gaza and Khaled Mashal in Damascus are most commonly identified as the movement's key leaders.

Hamas's main support base and decision-making structure is within the Gaza Strip and to a lesser extent the West Bank, although it does enjoy financial, military and political support from abroad. Syria remains the movement's most important source of foreign political backing, providing a base for fundraising, logistics and training. Lebanon's Hizbullah provides a model of a militant Islamic political party, which Hamas looks set to follow, as well as providing tactical and training support. Ironically, Israel may have aided the development of this relationship when it expelled around 415 alleged Hamas militants from Gaza to South Lebanon in 1992. They were then allowed to return after the Oslo accords.¹⁵ Hamas and its welfare wing also receive funding from several Arab state and non-state institutions, as well as religious bequests (*zakaat*) from Muslims around the world, particularly in the Gulf.¹⁶

Claiming popular support and engagement with civil society

Hamas has a strong grassroots presence through its social welfare facilities, including religious, medical, education and social support. These facilities are widely used and often work in tandem or alliance with local and western non-governmental organizations (NGOs) and international humanitarian and development agencies in the health, education and welfare sectors.¹⁷

At the political level, the Hamas agenda did not attract the same level of support in the early to mid-1990s, when most of the Palestinian population were in favour of the Oslo peace process. Between 1994 and 2000, periodic opinion polls by the Jerusalem Media and Communications Centre put support levels at between 6.5 per cent and 18 per cent of voters, although the group did not participate in national elections at this point. However, the failure of the peace process saw the group's popularity climb from the beginning of the new century, supported by the outbreak of the second intifada in September 2000.¹⁸

As mentioned previously, Hamas changed its position on participatory national politics in 2004-2005, when it stood in national elections and gained seats in several councils at Palestinian municipal polls. Furthermore, in January 2006 it won the legislative elections, gaining 74 of the 132 seats contested and getting control of the government.¹⁹

¹⁵ Ely Karmoun (Dr), *The Role of Terrorism in the Breakdown of the Israeli - Palestinian Peace Process*, Israeli Institute for Counter-Terrorism, 25 May 2003, <http://www.ict.org.il/articles/articledet.cfm?articleid=485>.

¹⁶ Israeli Ministry of Foreign Affairs, *The Financial Sources of the Hamas Terror Organization*, 30 July 2003, http://www.mfa.gov.il/MFA/MFAArchive/2000_2009/2003/7/The%20Financial%20Sources%20of%20the%20Hamas%20Terror%20Organiza.

¹⁷ Telephone interview with former employee Medical Aid for Palestinians (MAP), February 2006.

¹⁸ Jerusalem Media and Communications Centre (JMCC) surveys 1994-2000, <http://www.jmcc.org/publicpoll/results.html>.

¹⁹ JMCC surveys on support for the intifada, <http://www.jmcc.org/publicpoll/results.html>.

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However, Hamas has faced some popular opposition to its tactics in the recent past. This included a public outcry over its use of children for military actions in 2002, which it then moved to denounce. More recently, it was criticized for incidents in August and September 2005, when some of its members misfired rockets at Israel during the Israeli withdrawal from Gaza, killing a number of Palestinians. It initially denied the mistake, moving to fire more rockets at Israel in "retaliation", although the Palestinian authorities and civil society groups sharply criticized its actions.²⁰

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Hamas does not systematically recruit children for military activities. However, there have been a number of serious incidents where children were involved in operations carried out by its military wing. At its most extreme, children have been recruited for suicide operations, although there have been no reports of this practice since 2004.²¹ However, several 16 and 17 year olds, nearly always male, have continued to take part in armed attacks on settlements and clashes with Israeli forces. In 2004 Defence for Children International (DCI-Palestine) documented 22 incidents where under-18s were killed as a result of their involvement in militant actions. Of these, one was claimed by Hamas, involving a raid on a settlement by a group in which a 17 year old from Shaja'iyya in Gaza was killed.²² Two incidents were attributed to Hamas in 2003: one involving a 16 year old who attempted to infiltrate a settlement in Gaza and the other a 17 year old killed in a gun battle in Jenin.²³ Also in 2004 Gaza's Mezan Center for Human Rights (Mezan) documented seven deaths of minors as a result of involvement in militant actions. This included two separate incidents claimed by Hamas where minors of 16 and 17 were killed in clashes with Israeli forces.²⁴

In 2005 Mezan documented no child deaths as a result of involvement in militant activity, while DCI-Palestine documented three, including one claimed by Hamas.²⁵ No documentation is available on the number of under-18s involved in attacks carried out by Hamas (or the other groups) who are not killed in action, because of the practical difficulties in investigating this. By way of comparison, Israeli troops or settlers were responsible for the deaths of 162 Palestinian minors in 2004 and a further 52 in 2005 in the course of their military activities in the Occupied Palestinian Territories.²⁶

²⁰ "Gaza Attorney General: Investigation Results of Jabalya Explosion Indicate Internal Error", International Press Centre, 3 October 2005.

²¹ The youngest publicly claimed was Mu'tasim Abu al-Hassan, aged 15, on the Izz al-Din website in April 2004, now unavailable.

²² Documentation from Defence for Children International -Palestine Section (DCI-Palestine), March 2006.

²³ Documentation from DCI-Palestine, 2004.

²⁴ Documentation from the Mezan Center for Human Rights, March 2006.

²⁵ Documentation from DCI-Palestine and Mezan, March 2006.

²⁶ DCI-Palestine Documentation reports, 2005-2006.

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Meanwhile, the use of under-18s as lookouts, messengers or couriers has also been reported,²⁷ as well as anecdotal evidence of military training for under-18s,²⁸ although there is little or no documented evidence of these practices.

Observers have also stated that Hamas has exploited its involvement in schools, nurseries, clinics and other children's institutions to press forward its political agenda and promote the group itself among under-18s.²⁹ There are "strings attached to the good work", was how one women's rights activist put it.³⁰ This reflects the somewhat hazy territory between the group's publicly stated objective to raise awareness about the political situation³¹ and outright political recruitment or propaganda for its own agenda.

Why is there child recruitment?

At the outset of the second intifada in 2000, Hamas tried to expand its military activities quickly. Decision-making and operational structures would have probably been loosened in order to maximize the number and impact of attacks. At this stage, the movement had no official policy against the recruitment of minors and individual cells were given some leeway to act alone. This would have encouraged groups to recruit all available help, rather than set strict criteria for involvement.

Moreover, children themselves have often pushed for an active role in the current conflict, as attested to by the ubiquitous sight of boys throwing stones in individual acts of resistance. This in part reflects the radicalization of Palestinian children due to Israel's ongoing occupation and its excessive use of force and of collective punishments, which affect children as well as adults. Children have been the direct victims of the violence: more than 720 have been killed and over 5,000 arrested by Israeli forces since the start of the current intifada in September 2000.³² Attitudes in Palestinian society have also encouraged the militarization of youth through the making of "resistance fighters" and suicide bombers into heroes and role models.³³ Unsurprisingly, Hamas is also keen to stress the role of youth activism in recruitment, with West Bank leader Sheikh Hassan claiming that "if we gave the green light to the recruitment of under-18s, there would be thousands of child martyrs".³⁴ Another factor supporting their involvement and early politicization is the high proportion of children in Palestinian society, where nearly 53 per cent of the population is aged under 18.³⁵

²⁷ Coalition interview with Fatah activist, Ramallah, February 2006.

²⁸ Coalition meeting with Mezan Center for Human Rights, April 2005.

²⁹ Coalition interview with Mohammed Mokhaimar, Psychologist, Gaza Community Mental Health Programme, 8 February 2006.

³⁰ Coalition interview with women's rights activist, Jerusalem, 7 February 2006.

³¹ Coalition interview with Mahmoud al-Khatib, Hamas MP for Bethlehem, 11 February 2006.

³² DCI-Palestine documentation, from 30 September 2000 to 1 March 2006.

³³ Coalition interview with Mohammed Mokhaimar, op. cit.

³⁴ Coalition interview with Sheikh Hassan Younus, West Bank Hamas political leader, 2005.

³⁵ Palestinian Central Bureau of Statistics,
http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/pchildren_e.pdf.

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The decision to involve children in action is likely to fall to the individual cell or local group level, where there is clearly some degree of latitude for action, depending on the nature of the operation in question. Small ad hoc operations, such as attacks on military positions and settlements which require limited equipment and planning, are likely to require less oversight and official approval than major attacks. However, there have been occasions where overall coordination, even on major attacks, has seemed poor.³⁶ Decisions taken at the most senior level do not necessarily filter through to the ranks.

Another key point in child recruitment is the ongoing debate within Islam (and the Palestinian territories itself) over the exact age of maturity. In 2003 former political leader Abd al-Aziz al-Rantisi stated his opposition to child recruitment but added that he did not consider 16 year olds to be minors: "It depends on your definition of children. If a boy is 16, he is a man. He is a *mujahed*, a holy warrior, engaged in jihad."³⁷ The debate over the age of majority was echoed by other Hamas members in 2006, although they all claimed to recognize 18 as the legal age of adulthood.³⁸ This ambiguity mirrors that of wider Palestinian society which makes distinctions between *nadij*, or developed/physically mature, and *sinn al-rushd*, or the age of intellectual maturity, creating a difference in interpretations of when childhood ends.³⁹

From the other side, there is also anecdotal evidence that children have claimed affiliation with Hamas without any formal connection to the group.⁴⁰ In some cases where the child has been imprisoned, or has died or been injured in the attack, militant groups will sometimes support that claim. This gives the family the right to claim financial backing for legal support or compensation from the group, which has funds set aside for this purpose.⁴¹

Given the lack of documentation on this issue, the evidence of a reduction in child recruitment is mainly anecdotal and inconclusive. There has certainly been a fall in the number of minors involved in suicide operations claimed by Hamas, although more recently this has coincided with the *hudna* which has stopped suicide attacks in Israel.⁴² Nevertheless, the ongoing Israeli occupation, combined with the glorification of "resistance", Palestinian society's ideas about childhood, and the availability of small arms, continue to provide a sure recipe for the involvement of minors in military actions.

³⁶ Coalition meeting with Mezan Center for Human Rights, April 2005.

³⁷ Anton Antonowicz, "Rantisi to Mirror Man: You're the Terrorist", *The Mirror* (UK), 25 March 2004. Abd al-Aziz al-Rantisi was assassinated by the Israeli Defence Force on 17 April 2004.

³⁸ Coalition interviews with Ramallah MPs, Dr Mahmoud Ahmed Abd al-Rahman al-Ramahi and Ahmed Abd al-Aziz Mubarak, Ramallah, 7 February 2006.

³⁹ Coalition interview with Ramallah Hamas MPs, February 2006.

⁴⁰ Discussions with DCI-Palestine lawyer, 2003-2006.

⁴¹ Coalition interview with DCI-Palestine Documentation officer, February 2006.

⁴² For list of suicide bombers see Palestinian Human Rights Monitoring group, <http://www.phrmg.org/PHRMG%20Documents/Suicide%20bombers/Tables/Suicide%20attack%20English.htm>

A stated policy against child recruitment

In 2002 Hamas made a landmark public statement on child recruitment, publicly denouncing the involvement of minors in military action. The April 2002 statement called on imams to “give this issue some mention in their sermons”.⁴³ It put forward its argument in the context of the armed struggle, stating that education is more useful for the advancement of the Palestinian cause in the longer term. This pragmatic position has been repeated by Hamas leaders on a number of occasions since that time, including in 2005 by West Bank political leader Sheikh Hassan Yusuf (who is currently in prison)⁴⁴ and by elected Hamas representatives after the 2006 legislative polls. Ramallah district Member of Parliament (MP) Ahmed Abd al-Aziz Mubarak said in 2006, “education is the strongest weapon in resistance”.⁴⁵ Other Hamas members put this position in the context of children's rights, including Hebron family doctor Dr Samir al-Qadi who is now a Hamas MP. He stated that a “child is innocent and [recruitment] puts him in a situation which he should be as far away from as possible. Does he know anything? No, not in that way. We need to respect children’s rights and the right to childhood. Children are sacred to us – bodily, mentality, spiritually.”⁴⁶

Bethlehem MP Mahmoud al-Khatib, the group’s youngest elected representative in the West Bank, stated that he felt that the use of children in conflict was tantamount to exploitation: “In my point of view, it’s wrong to exploit children for military purposes. If it happens, I will call it exploitation.” He cited two key reasons why children should not be involved in military action: first, in the child’s best interest, who lacks sufficient *wa’i*, or awareness, to carry out such actions; and second, in the interest of the struggle, which requires mature individuals.⁴⁷ This point was reinforced by Farhat As’ad, a Hamas political leader and local councillor in Ramallah, who said that the movement had enough people to carry out military actions without the need for children to get involved.⁴⁸

Contributing factors to Hamas’s changing attitudes to child recruitment

There are some internal factors that could promote a lasting change in the child recruitment policy and practice of the organization:

- **Leadership background:** The medical and academic establishment are well represented in the upper echelons. These are also likely to be the individuals most receptive to recognizing the “protected status” of minors in armed conflict and their need for special consideration. This educated elite from the caring professions is likely to have been a factor in curbing the

⁴³ Access to this source at http://www.qassam.org/hamas/bayanat/24_04_2002 is currently blocked. Cited in Human Rights Watch, *Erased in a Moment: Suicide Bombing Attacks against Israeli Civilians*, October 2002, <http://www.hrw.org/reports/2002/isrl-pa/>.

⁴⁴ Coalition interview with Sheikh Hassan Younus, op. cit.

⁴⁵ Coalition interview with Ahmed Abd al-Aziz Mubarak, op. cit.

⁴⁶ Coalition interview with Dr Samir al-Qadi, Hamas MP, Hebron, February 2006.

⁴⁷ Coalition interview with Mahmoud al-Khatib, op. cit.

⁴⁸ Coalition interview with Farhat As’ad, op. cit.

actions of the military wing in the past, although there is no clear information about the internal dynamics of the group.

- **Islamic influence:** Hamas members are frequently devout Muslims, with a strong regard for *Shari'a* law and its provisions on childcare and social responsibility. The issue of child recruitment and the age of maturity is subject to *ijtihad*,⁴⁹ or independent reasoning. There is no specific mention of these issues in the Q'uran or hadith (the words and deeds of the prophet Mohammed). However, more focused study on this issue could lead to the development of a coherent and persuasive line against child recruitment and use. This would be a strong factor in bolstering the group's official position on this issue and a persuasive argument for disseminating and persuading members and the wider society on this issue.
- **Political pragmatism:** The decision to stand in elections in 2005-2006, and to put forward more moderate Hamas members for parliamentary seats under the current Prime Minister Ismail Haniya, is likely to work as a calming influence on the movement's policies and targets.⁵⁰ This has been the case in Lebanon, where the Shi'a militant group, Hizbullah, has been "pragmatized" by its involvement in mainstream politics.⁵¹ However, it seems that Hamas will try to retain its existing organizational structure, although the involvement of some members in legislative roles is likely to create tensions with un-elected members over time and likely to tip the hands of moderates, if their parliamentary experiment proves successful. This will improve the chances of international norms, including those relating to child recruitment, receiving a favourable reception.
- **Change in military strategy:** At a more practical level, the 2005-2006 ceasefire has created less demand for armed recruits, including minors. Nevertheless, armed clashes with Israeli troops in the West Bank and the Gaza Strip and occasional reprisals do continue to draw in minors, as the documented child fatality figures suggest. However, with the extension of the "separation barrier" wall around most of the populated areas of the West Bank and the withdrawal of Israeli troops to the edges of Gaza, the potential for engagements of this nature is also likely to be reduced.

Some external factors have also contributed to shifts in child recruitment policy and practice:

- In 2002 it was popular domestic pressure, harnessed by local human rights groups such as the Gaza Community Mental Health Programme, which led to the announcement that Hamas would actively deter child recruitment. This was a clear demonstration of Hamas's sensitivity to public opinion, as well as its willingness to award children a protected status. Since then, parents have been more ready to criticize armed groups in instances where children have been recruited, reinforcing this point.

⁴⁹ Coalition interview with Mahmoud al-Khatib, op. cit.

⁵⁰ Telephone interview, Alastair Crooke, op. cit.

⁵¹ Amal Saad-Ghorayeb, *Hizbu'llah: Politics and Religion*, Pluto Press, 2002.

- In addition, Hamas, and Palestinian society in general, are increasingly aware of how their actions play out to an international audience. For example, the Palestinian Journalists' Syndicate called on international photojournalists to stop taking pictures of children with weapons or engaged in militant activities because of their negative propaganda value. The Syndicate subsequently withdrew this call,⁵² but the sensitivities on that point are clear.
- Moreover, Hamas officials now in government are accountable for upholding Palestinian law. Barring any future legislative changes, this will put greater pressure on the group to abide by existing legislation, including the Palestinian Child Law which proscribes the recruitment of minors by militant groups and their involvement in armed operations. It also requires the government to actively investigate and follow up on cases where this occurs.⁵³

Trying to influence Hamas to avoid the active involvement of Palestinian children in militant actions

Local-level approaches to influence Hamas

In 2002 several local human rights and charitable organizations, backed by domestic Palestinian opinion, put pressure on members of the armed groups to renounce the use of children in military operations. Hamas representatives were among those invited to a workshop convened on the subject in Gaza by the Middle East Network to Stop the Use of Child Soldiers. At the meeting, using both Islamic principles and international law, advocates put across arguments against the use of children in the conflict. Although both Fatah and Hamas were reluctant to sign a statement against child recruitment, Ismail Abu Shanab, the Hamas representative, made a verbal commitment to the effect that "children are not allowed to participate and all necessary measures must be taken to prevent children from military participation".⁵⁴ Since then, other children's rights groups, including DCI-Palestine, have followed up on this issue, receiving a positive response from a number of Hamas officials, including West Bank political leader Sheikh Hassan Yusuf.⁵⁵

Local groups, notably DCI, have also lobbied committee-level decision-makers on this point. DCI's involvement on the parliamentary committee advising on the draft child law led to the inclusion of articles on child recruitment in the 2005 Palestinian Child Law. These articles prohibit the use of children for military action and call for the investigation of any breaches of the law.

Committee-level lobbying by local NGOs had notable success in this instance, although follow-up and prosecution of breaches remains poor. Further efforts are needed to support the Palestinian Authority's implementation of this law

⁵² "Palestinian journalists' union admits error concerning ban on photos of armed children", Reporters Without Borders, 27 August 2002, http://www.rsf.org/article.php3?id_article=3561.

⁵³ Article 46, Palestinian Child Law, 2005.

⁵⁴ Coalition interview with Mohammed Mokhaimar, op. cit.

⁵⁵ DCI-Palestine documentation, 2006.

and to persuade the armed groups and wider society of the importance of this issue.⁵⁶ Further efforts are also needed to document breaches systematically and to provide the information necessary to support lobbying.

International campaigns against child recruitment

The Coalition to Stop the Use of Child Soldiers, Human Rights Watch and Amnesty International have periodically highlighted the use of child soldiers by Palestinian militant groups, including Hamas. In its 2002 report *Erased in a Moment*, Human Rights Watch detailed suicide attacks against Israeli civilians by adults and minors. Among other recommendations, the report called on the groups, including Hamas, to cease the recruitment of children under the age of 18. It also called on the Palestinian Authority to take all feasible measures to prevent the recruitment and use of children, including the adoption of legal measures to criminalize such practices. In May 2005, Amnesty International wrote a statement appealing to Palestinian groups to cease child recruitment after a spate of incidents around Nablus.⁵⁷ Other international NGOs have helped buttress the actions of local NGOs helping sustain the campaigning momentum and focus.

Hamas has been receptive on several occasions to domestic and international initiatives relating to humanitarian and human rights issues. Article 31 of its Charter states that “Hamas is a humane movement, which cares for human rights”.⁵⁸ It has been willing to hold talks with NGOs, third governments and UN bodies on a variety of subjects.⁵⁹

The group's position on various humanitarian issues and its willingness to recognize arguments against the recruitment of minors, suggest that there is further scope to pursue this issue and eradicate all use of child soldiers. Further initiatives could include:

- **Persuading the group to make a more concrete commitment to ending child recruitment:** In 2005, the Child Soldiers Coalition and its local partner, DCI-Palestine, approached Sheikh Hassan Yussuf, leader of Hamas in the West Bank, on the subject of child recruitment. He expressed his willingness to sign up to an “honour code” involving the other groups, to stop the recruitment of children. The involvement of other groups would introduce an element of peer review and promote collective adherence to the agreement. Although Sheikh Yussuf was detained soon after that meeting (and at the time of writing is still in prison), other members of Hamas in the West Bank have expressed their interest in signing up to such a declaration in the near future. Bethlehem MP Mahmoud al-Khatib said that he thought the group would be willing to sign up to a document if it “abides with *Shari’a* and agrees with the [best] interests of the child”. Similarly, new approaches need to be made in Gaza to engage the wider group in this debate.

⁵⁶ Interview with PFLP member, op. cit.

⁵⁷ Amnesty International statement, *Israel/Occupied Territories: Palestinian armed groups must not use children* (AI Index: MDE 15/033/2005), 23 May 2005, <http://web.amnesty.org/library/engindex>.

⁵⁸ The Charter of *al-Haraka al-Musallaha al-Islamiya* (Hamas), op. cit.

⁵⁹ Telephone interview, Alastair Crooke, op. cit.

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- **Commitments to avoid child casualties:** From the start of the second intifada until 13 March 2006, an estimated 38 Israeli children had been killed during Palestinian attacks, including those by Hamas.⁶⁰ All Hamas members approached by the Coalition stated that the group would never target Israeli minors directly. However, it has been responsible for attacks where minors were present.

MP for Hebron district Dr Samir al-Qadi stated that Hamas had previously offered Israel the chance to agree to avoid civilian casualties on both sides, along the lines of the April 1996 agreement between Israel and Hizbullah in Lebanon.⁶¹ However, Israel had refused. He stated that the movement remained open to a reciprocal initiative of this sort. "We are humanitarian, but not to the point of accepting Israeli attacks".⁶²

- **Promoting child rights through traditional channels:** UNICEF is planning to promote discussions about child rights, including issues relating to domestic violence, through Palestinian religious institutions and mosques. UNICEF is looking at using arguments drawn from Qur'anic and Islamic principles for dissemination amongst preachers in mosques, in coordination with local partners and the Ministry of Religious Affairs, an approach already used in Jordan with some success. This type of training has the benefit of reaching not only mothers but fathers as well, the people most likely to attend child rights workshops.⁶³ This initiative could also be adapted for the discussion of other issues, including child recruitment.

⁶⁰ B'Tselem statistics, 13 March 2006, <http://www.btselem.org/English/Israeli%5FCivilians>.

⁶¹ Monitored by a committee including USA, France, Syria, Israel and Lebanon, see <http://www.globalsecurity.org/military/world/war/lebanon.htm>.

⁶² Coalition interview with Dr Samir al-Qadi, op. cit.

⁶³ Coalition interview, Ramallah, 10 February 2006.

Further points for discussion

- Is it possible and desirable to use arguments based on Islamic law to defend the non-recruitment of children under 18 for fighting? Are Islamic precepts and international law compatible in this regard?
- Hamas's stated official policy, like that of many other armed groups, is that they do not recruit child soldiers. However, child recruitment continues to occur. What can help ensure that commitments made by the leadership of an armed group are effectively followed by the whole group?
- In a situation of extended occupation and exposure to violence and repression, children are vulnerable to recruitment by armed opposition groups. What are the best ways of preventing the voluntary involvement of children with these groups?
- Now that Hamas is part of the government (albeit not of a sovereign state), it is bound to respect international laws on human rights applicable to all states. The international community will also demand that basic human rights and humanitarian principles are applied throughout the Palestinian territory. How will this affect the organization's child recruitment policy?
- Many states have frozen humanitarian aid to the Palestinian Authority due mainly to Hamas not recognizing Israel. This may have a direct impact in the active involvement of Palestinian children in the armed conflict. In this context, what can be done to prevent children and youth from becoming involved?