

# Senza difesa: rapporto sui minori palestinesi detenuti

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La bottega del  
Barbieri

I minori palestinesi nel sistema di detenzione militare israeliano subiscono trattamenti disumani come percosse, perquisizioni corporali, abusi psicologici, settimane in isolamento, e viene loro negato l'accesso a un avvocato durante gli interrogatori.

di Save the Children

Questa la denuncia di Save the Children, che ha diffuso oggi il nuovo rapporto "Senza Difesa" che raccoglie le testimonianze di più di 470 minori detenuti negli ultimi dieci anni provenienti da tutta la Cisgiordania.

Come evidenzia il rapporto, la maggior parte dei bambini e dei ragazzi sono stati portati via dalle loro case di notte, bendati, con le mani dolorosamente legate dietro la schiena. A molti dei minori, intervistati per questo rapporto, non è stato detto il motivo per cui venivano arrestati o dove stavano andando.

*"Hanno distrutto la porta d'ingresso, sono entrati nella mia stanza, mi hanno coperto il viso con un sacchetto e mi hanno portato via. Hanno detto a mio padre che sarei tornato il giorno dopo. Sono tornato dopo 12 mesi",* ha detto Abdullah \*, che da minorenne è stato arrestato sei volte.

Ogni anno centinaia di minori palestinesi vengono detenuti dalle autorità israeliane. Al momento sono 160.

Questi minori sono gli unici minori al mondo che vengono sistematicamente perseguiti attraverso un sistema giudiziario militare invece che civile [1]. L'accusa più comune è il lancio di pietre, per il quale la pena massima è 20 anni di carcere.

Dopo il loro arresto, i minori vengono trasferiti in centri dove sono essere interrogati, e riferiscono di essere stati costretti a giacere a faccia in giù sul pavimento di metallo di veicoli militari, di non aver potuto usare il bagno, di essere stati privati di cibo e acqua e aggrediti fisicamente.

*"Mi hanno arrestato mentre andavo a scuola a un posto di blocco militare. Hanno perquisito la mia borsa e mi hanno parlato in ebraico, una lingua che non capisco. Mi hanno ammanettato, buttato a terra e calpestato sulla schiena",* ha detto Fatima \*, che è stata arrestata quando aveva 14 anni.

I ragazzi hanno descritto l'esperienza della detenzione come "crudele", "disumanizzante", "umiliante" e "terrificante". Amina \*, detenuta a 15 anni, ha detto: *"Non ti senti un essere umano in quel posto. Siamo stati trattati come animali"*.

La ricerca di Save the Children mostra come l'81% abbia subito percosse fisiche e l'89% abusi verbali; il 52% ha ricevuto minacce sulle proprie famiglie; l'86% è stato sottoposto a perquisizioni corporali, con umiliazione e vergogna; l'88% non ha ricevuto cure adeguate e tempestive, anche quando esplicitamente richieste; a quasi la metà (47%) è stato negato il contatto con un avvocato.

Issa \*, che è stato arrestato quando aveva 15 anni, ha detto: *“Mentre venivo interrogato, continuavano a gridarmi contro e hanno messo una pistola sul tavolo per spaventarmi. Hanno detto brutte parole, parolacce. Non voglio pensare a quelle parole... La prigione era un posto orribile. Suonavano le sveglie a mezzanotte, alle 3 e alle 6, per non farci dormire a lungo, e se non ti svegliavi venivi picchiato. Sono stato picchiato più volte con bastoni di legno. Ho ancora mal di schiena a causa di un pestaggio particolarmente duro”*.

Fino alla metà dei minori partecipanti alla ricerca ha riferito di essere stato tenuto in isolamento, a volte per diverse settimane. Più della metà dei minori ha affermato di non essere stato autorizzato a vedere le proprie famiglie e in alcuni casi è stato fatto credere loro che le famiglie li avessero abbandonati, facendoli sentire spaventati, soli e rifiutati. La ricerca rivela anche il profondo impatto della detenzione sulle vite dei ragazzi sin dal loro rilascio, con la stragrande maggioranza che afferma che queste esperienze li hanno cambiati per sempre. Questi minori spesso lottano con insonnia, incubi, disturbi alimentari, cambiamenti comportamentali, rabbia o sentimenti di depressione. Ciò porta a sintomi fisici come stordimento, dolori muscolari cronici, mal di testa e tremori incontrollabili.

*“Minori di appena dodici anni ci hanno parlato di trattamenti veramente disumani subiti nel sistema di detenzione militare israeliano. Non c'è alcuna giustificazione per usare i cani contro i bambini, picchiarli o incatenarli a sedie di metallo. Di qualunque cosa siano accusati, indipendentemente dalla colpa o dall'innocenza, sono bambini e devono essere trattati prima di tutto come tali, con tutte le protezioni speciali che questo comporta. Nessun minore dovrebbe subire una tale crudeltà per mano di coloro che dovrebbero prendersi cura di lui. I minori non dovrebbero più essere perseguiti nei tribunali militari e non c'è mai stata maggiore urgenza di rilasciare i minori, nel momento in cui questi maltrattamenti sistematici sono aggravati dalla minaccia del COVID-19 nei centri di detenzione. Solo con questi cambiamenti possiamo evitare che vengano inflitti danni irrevocabili a generazioni di minori palestinesi”* ha dichiarato Jeremy Stoner, Direttore di Save the Children per il Medio Oriente.

Save the Children chiede che il governo di Israele rispetti il diritto internazionale e ponga fine alla detenzione e ai maltrattamenti dei minori ai sensi del diritto militare. Le autorità israeliane devono adottare immediatamente garanzie concrete per migliorare la situazione dei minori attualmente detenuti, incluse la fine del maltrattamento sistemico, la creazione di sistemi di protezione e salvaguardia per i detenuti e la fornitura di servizi adeguati per sostenere ragazze e ragazzi nel riprendersi dalle loro esperienze.

L'Organizzazione chiede all'Autorità Palestinese (AP) di aumentare il supporto riabilitativo, compreso quello psicologico, per i minori che sono stati detenuti. L'AP dovrebbe anche offrire servizi di supporto volti a ridurre lo stigma associato ai minori detenuti e sostenere il loro reinserimento nelle comunità e nel sistema dell'istruzione.

In linea con la richiesta di numerosi esperti delle Nazioni Unite, Save the Children chiede il rilascio immediato di tutti i minori palestinesi detenuti, in questo momento esposti anche al rischio di contrarre il Coronavirus, affinché possano tornare in sicurezza nelle proprie famiglie e comunità.

L'Organizzazione pertanto diffonde oggi una petizione per invitare il Ministro Di Maio e l'Ambasciatore presso le Nazioni Unite a Ginevra, Gian Lorenzo Cornado, a farsi promotori di un'iniziativa in seno al Consiglio Diritti Umani per la liberazione dei minori nelle carceri militari israeliane, anche per limitare la diffusione della pandemia. Per firmare la petizione: <https://www.savethechildren.it/cosa-facciamo/campagne/stop-alla-guerra-s...>

La versione integrale del rapporto "Senza Difesa" è disponibile [qui](#).

**Tratto da <https://www.savethechildren.it/>.**

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# DEFENCELESS



The impact of the Israeli  
military detention system  
on Palestinian children



Save the Children

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Please note that all names contained within this report have been changed for the protection of the individuals.

All the drawings that appear in this report have been created by young people who were detained or arrested as children. They were asked to portray their experiences in detention.

# Executive summary

Growing up amidst military occupation and conflict has had a profound impact on Palestinian children in the West Bank and Gaza. It has impacted every aspect of their lives, from their safety and development to their psychosocial wellbeing and mental health.<sup>1</sup> All Palestinian children face a myriad of protection risks, but one sub-set of children is uniquely vulnerable and suffers consistent violations of their fundamental rights: children who endure the Israeli military detention system.

Since 1967, Palestinian children from the West Bank have been living under Israeli military law. They are the only children in the world who are systematically prosecuted in military courts, which consistently lack fair trial rights and fail to meet juvenile justice standards.<sup>2</sup> In the last 20 years, an estimated 10,000 Palestinian children have been held in the Israeli military detention system.<sup>3</sup> The most common charge brought against children is stone throwing, for which the maximum sentence is 20 years. Without calling into question the potential seriousness of such an act, evidence suggests that the prevalence of physical injury resulting from stone throwing is very low.<sup>4</sup> This should be noted when considering the proportionality of the treatment these children endure throughout their detention experience.

International norms are clear: the detention of children should only be used as a measure of last resort – and those children who do have contact with judicial systems must be treated in a manner consistent with the promotion of the child's sense of dignity and worth.<sup>5</sup> The prohibition of ill-treatment of children in detention is absolute, yet for several years now, lawyers from around the world,<sup>6</sup> human rights organisations, United Nations experts and treaty

**Children reported they had endured a distressing or violent arrest or detention, in most cases at night; a coercive interrogation environment; physical and emotional abuse in detention; and a denial of essential services including an adequate education – all of which constitute a breach of their rights enshrined in international law.**

bodies have been sharing evidence of ill-treatment of children who come into contact with the Israeli military detention system.<sup>7</sup>

In light of this, Save the Children surveyed more than 470 children across the West Bank, to hear about their experience of detention and to understand its resounding impact on their lives after release. The children echoed findings by other human rights organisations and painted a similarly bleak picture of the system. A majority reported they had endured a distressing or violent arrest or detention, in most cases at night; a coercive interrogation environment; physical and emotional abuse in detention; and a denial of essential services including an adequate education – all of which constitute a breach of their rights enshrined in international law.<sup>8</sup>

More than half of the children consulted for this report were denied access to support and comfort from their families, and in some instances they were made to believe that their families had abandoned them – threatening a key pillar of psychological resilience, jeopardising their ability to recover. Many

<sup>1</sup> An estimated total of 299,979 children are suffering from psychosocial distress and mental disorders in oPt. The need for services for children suffering from mental health problems is on the rise in both the Gaza Strip and the West Bank. The Humanitarian Needs Overview (2020), see [https://www.ochaopt.org/sites/default/files/hno\\_2020-final.pdf](https://www.ochaopt.org/sites/default/files/hno_2020-final.pdf)

<sup>2</sup> Defence for Children International (DCI-P), Military detention, see [https://www.dci-palestine.org/issues\\_military\\_detention](https://www.dci-palestine.org/issues_military_detention)

<sup>3</sup> Ibid.

<sup>4</sup> For example, one study in 2012 reported that in 89 cases of stone throwing, physical injury was caused in one case and damage to a vehicle was caused in three cases, Children in Military Custody, see [http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Children\\_in\\_Military\\_Custody\\_Full\\_Report.pdf](http://www.childreninmilitarycustody.org.uk/wp-content/uploads/2012/03/Children_in_Military_Custody_Full_Report.pdf)

<sup>5</sup> Committee on the Rights of the Child (2019), *General comment No. 24 (2019) on children's rights in the child justice system*

<sup>6</sup> Op. cit. Children in Military Custody (2012)

<sup>7</sup> See for example: UN Secretary General's Annual Report on Children and Armed Conflict (April 2016); UNICEF, Children in Israeli Military Detention: Observations and Recommendations (February 2013); US State Department, Country Reports on Human Rights Practices for 2016-- Israel and The Occupied Territories

<sup>8</sup> Op. cit. Committee on the Rights of the Child (2019)

reported they were denied a meaningful opportunity to defend themselves against allegations, and almost half (47%) were denied timely access to legal assistance, such as before they were interrogated.

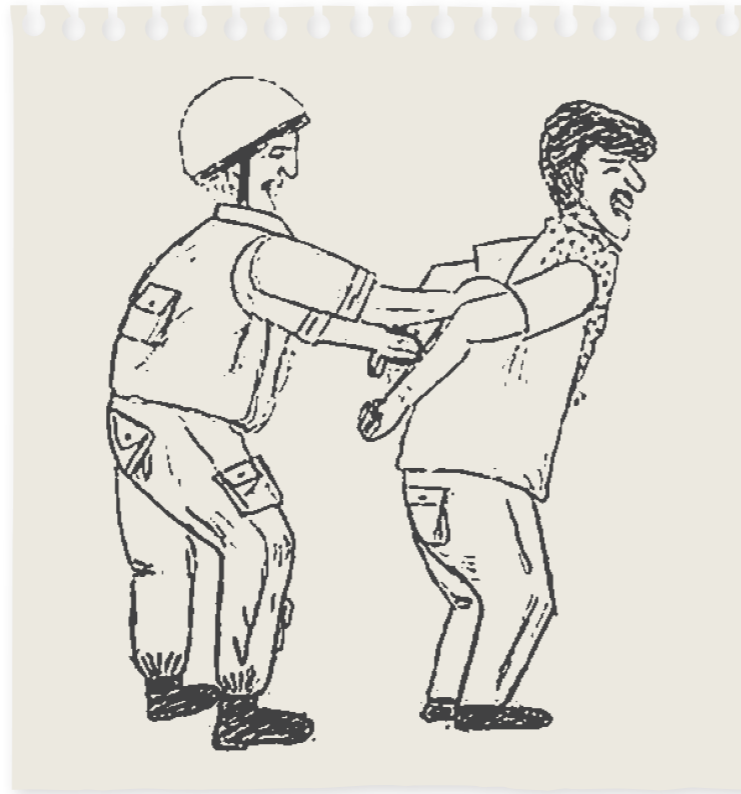
**In every respect, the Israeli military detention system appears designed to render Palestinian children defenceless.**

Save the Children's research also reveals the lasting impacts of detention on children's lives. As a result of the children's and their families' willingness to share their experiences and challenges after release, **it is clear from their testimony that military detention has profound and far-reaching repercussions on children's lives.** Some boys and girls feel that the damage that has been done to their lives is irrevocable, and nearly all of them bear emotional or physical scars from their time in detention. This manifests as anxiety, depression, behavioural changes, eating and sleeping disorders, and physical symptoms including chest pains, exhaustion, and numbness.

Detention and the subsequent impact on their health and wellbeing diminish children's ability to return to their normal lives, maintain relationships with their families and friends, and feel secure in their communities. Children told us they feel ostracised by their peers and unable to connect with their family and friends, leading to feelings of isolation. Other complex social dynamics hinder children's ability to reintegrate back into the fabric of their old lives, such as the normalisation of the experience due to the prevalence of detention.

Some children are considered – or regard themselves – as 'heroes of the Palestinian cause' after release, a bravado that conceals, or adds to, the emotional distress these children experience. Their place in society, or their perception of their place in society, can also shift following detention, leading to a fractured sense of self and complicated social relationships. Children's usual place in society, their support networks, and their relationships are compromised at the very moment they need them most, further limiting their ability to recover.

The ramifications of detention are exacerbated by the relative lack of specialised mental health and psychosocial support (MHPSS) services – compounded



by children's uncertainty about how to access those services that are available, and societal pressures that leave children unable to seek help. In a population that has the highest rate of mental health needs in the Eastern Mediterranean,<sup>9</sup> the needs of former detainees are often neglected, with devastating consequences for the children.

International juvenile justice norms are built on two fundamental principles: the best interests<sup>10</sup> of the child must be a primary concern in making decisions that affect them, and children must only be deprived of their liberty as a last resort, for the shortest appropriate period of time. Evidence provided by Palestinian parents, human rights organisations, NGOs – and most importantly, the children themselves – demonstrates that the Israeli military detention system is not rooted in these principles. Yet despite abundant evidence of these violations, the Israeli authorities continue these practices with apparent impunity.

Despite the traumatic experiences they have endured, **Palestinian children who have spent time in detention retain their hope and are determined to reinstate their right to a bright**

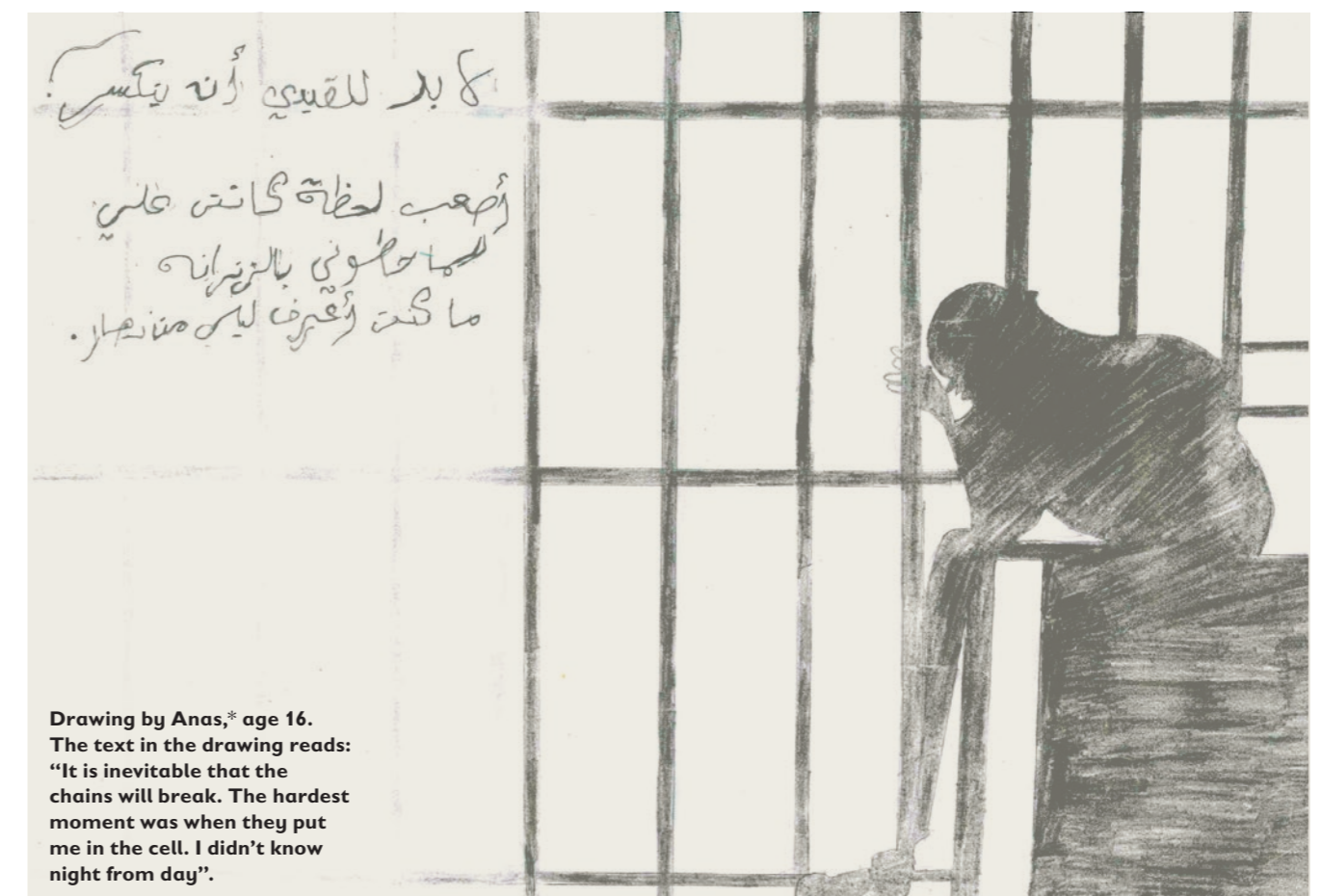
**and fulfilling future.** The Israeli authorities, the Palestinian Authority (PA), international community and donors must heed their call for a different future and take urgent steps to ensure that Palestinian children's vision becomes a reality.

**Save the Children believes that no child should be prosecuted in a military court, or any court that lacks comprehensive fair trial rights and juvenile justice standards.**

**Save the Children is calling on the Government of Israel to respect international law and to end the detention of children under military law and their prosecution in military courts. In addition, Save the Children is calling on the Government of Israel to take immediate steps to adopt practical safeguards that will improve the existing system for those children who are currently in military detention.**

This includes ending the systemic ill-treatment of children, establishing protection and safeguards for detainees, and providing adequate services to support girls and boys to recover from their experiences.<sup>11</sup> Only when these changes have been made, can irrevocable damage to generations of Palestinian children be avoided.

**In addition, Save the Children is calling on the Palestinian Authority (PA) to ensure the provision of sufficient rehabilitative and reintegration support for children who have been detained. This includes access to focussed, specialised and gender-appropriate psychosocial support. The PA should also introduce policies and programmes to help communities understand the experience and challenges that former child prisoners face, particularly in schools, to minimise social stigma and help children to reintegrate back into society.**



**Drawing by Anas,\* age 16.**  
The text in the drawing reads:  
"It is inevitable that the chains will break. The hardest moment was when they put me in the cell. I didn't know night from day".

<sup>9</sup> Charara, R., Forouzanfar, M., Naghavi, M., Moradi-Lakeh, M., Afshin, A., Vos, T., et al. (2017) 'The Burden of Mental Disorders in the Eastern Mediterranean Region, 1990-2013.' PLoS ONE 12(1): e0169575. doi:10.1371/journal.pone.0169575 <https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0169575&type=printable>

<sup>10</sup> The UNCRC incorporates provisions aimed at supporting the child's needs for safety, health, wellbeing, family relationships, physical, psychological and emotional development, identity, freedom of expression, privacy and agency to form their own views and have them heard. Put simply, the best interests of the child are whatever is best for that individual child.

<sup>11</sup> More details on these findings can be found in our recommendations for action, on page 28.

## Methodology

### Detention in the time of COVID-19

Palestinian children detained in Israeli prisons are enduring the precise conditions that health experts have warned against in the fight against COVID-19. In addition to posing a huge risk to their health and potentially undermining efforts to contain the spread of the virus, there are many children who are stuck in limbo; cut-off from their families apart from occasional phone calls, and unaware of what their future will hold or even when their cases might be heard.

Former child detainees have told us that the conditions in which they are held in Israeli prisons are dire and unsafe – with overcrowded cells, few available sanitary products and almost no access to medical assistance. 17-year-old Loai was released from prison earlier in 2020. He says that when the COVID-19 pandemic was declared, the children were not informed: *“We weren’t told anything about how to keep ourselves safe from coronavirus, such as how it’s important to wash our hands. Throughout (my detention), the prison guards disinfected the facilities twice only. They did not disinfect our cells, not even once. They gave us a bottle of disinfectant that lasted about 15 days, and they never gave us more after it ran out.”*

Since the pandemic began, visitation rights have been suspended by the Israeli authorities and families have been unable to visit their children. According to the current rules, children can make a 10-minute phone call to their family every two weeks, but in practice most of them only get to speak with their families once a month. The toll that prolonged isolation has on their wellbeing cannot be overstated.

In July 2020, we witnessed the first case of a Palestinian child detainee with COVID-19. About two weeks after a 15-year-old refugee Palestinian boy was arrested from his home, Israeli officials reported that he had been diagnosed with the coronavirus. In September 2020, there was a second case; a 14-year-old boy tested positive for COVID-19 after spending two days in Israeli military detention.

Without a moratorium on new arrests, there is a high risk of bringing more detainees into the prison system who may be infected with COVID-19. The added requirement of an isolation period at the beginning of detention, which means children are totally alone and denied access to a lawyer or

family, creates an even more difficult experience than usual for children who are detained during the pandemic. It may also prolong the overall period in detention, which is contradictory to the fundamental principle that children must only be deprived of their liberty for the shortest period of time possible.

The best way to protect child detainees from COVID-19 is to release them from detention. This is the only way to ensure they are able to follow social distancing rules and maintain recommended hygiene routines. For the same reasons, Israel must urgently place a moratorium on new admissions and seek alternatives to custodial sentences for children. **There is still a window of opportunity to bring these children home – to protect their right to health, control the outbreak of COVID-19, and avoid further suffering.**

In the context of reports of continuing, widespread and systemic ill-treatment of Palestinian children in the Israeli military detention system,<sup>12</sup> Save the Children identified a need to consult children and young people to get a clearer understanding of the immediate and longer-term impact that detention has on their lives.

Between May and June 2020, a survey, focus group discussions and in-depth interviews were conducted with 470 children and young people (458 boys, 12 girls) across 11 governorates<sup>13</sup> of the West Bank, including East Jerusalem. **The survey statistics cited throughout this report are based on the responses from these 470 children and young people**, unless attributed to a different source. Nineteen parents and caregivers of children who have been detained were also consulted through in-depth interviews.

The young people were aged between 12 and 21 years old at the time of consultation, and had all been arrested or detained as children, between the ages of 10 and 17 years old. These children have all since been released from detention and were not in custody during the consultation. The children who were aged under 12 years old at the time of detention were generally held for a matter of hours, while the adolescents were largely detained for weeks, months, or years. The children were asked to draw pictures of their experiences during and after detention, many of which are included in this report. The families consulted came from a range of socio-economic backgrounds, with 53% of children living in a village, 18% in a city, and 29% in refugee camps. Out of the total participants, nine children reported some form of physical or intellectual disability or developmental delays, unrelated to their experience in detention.

In order to gain a more detailed understanding of the issues that young people face, 14 interviews were conducted with experts including representatives

from the Palestinian Ministries of Social Development, Health, Education and Higher Education, and organisations including Defense for Children International-Palestine (DCI-P) and the Commission of Detainee Affairs. Independent psychosocial counsellors, clinical psychologists, legal experts, and researchers were also consulted.

The research team who spoke directly with the children all have backgrounds in psychosocial counselling, and all the children we spoke to were offered psychosocial support or counselling. A number of the children were already receiving psychosocial support from a Save the Children partner. Strict child safeguarding measures were applied throughout the research, and the team followed clear protocols and guidelines that ensured all ethical considerations and restrictions in relation to the COVID-19 pandemic were respected. Some of the research was carried out through online platforms or over the phone in order to keep children safe during the pandemic and abide by lockdown measures.

It is important to note that this research provides insight based on a specific sample of the population in the West Bank. Save the Children recognises that it is not a statistically significant or representative sample. As the report intentionally presents children’s experience from their own perspective, it is also important to note that incidents they mention have not been independently verified by Save the Children; however, available data from other sources is provided to support the information that children reported. The intention is that this survey will provide a springboard for further in-depth consultation with children and young people across the West Bank about the resounding impact of detention on their lives, in order to inform policy, donor funding decisions, and the support that Save the Children and others provide for Palestinian children and their communities.

<sup>12</sup> These reports have come from international, Palestinian, and Israeli lawyers; human rights organisations; and independent UN experts and bodies such as the Committee on the Rights of the Child, the Committee against Torture and the Human Rights Committee. See for example: [UNICEF](#), [DCI](#), [Military Court Watch](#), [LPHR](#)

<sup>13</sup> The governorates captured in the data collection are Nablus, Tulkarem, Qalqilya, Jerusalem, Salfit, Ramallah, Hebron, Jenin, Jericho, Tubas, Bethlehem



# West Bank context

The research presented in this report arises in the context of an ongoing conflict between Israelis and Palestinians that began in the early 20th century. A protracted protection crisis persists in the occupied Palestinian territory (oPt), with ubiquitous humanitarian consequences. This is largely characterised by more than 50 years of Israeli occupation, inadequate respect for international humanitarian and human rights law, internal Palestinian political divisions, and recurring escalations of hostilities between Israel military and Palestinian armed groups.<sup>14</sup>

Palestinian children face a range of challenges living in the West Bank that impact every aspect of their lives. Under the weight of the occupation, expanding settlements and the threat of de jure annexation of parts of the West Bank, as well as an increase in demolitions and displacement, living conditions have deteriorated for an ever more disenfranchised population. The situation of children living in the West Bank is characterised by violence and harassment by Israeli military and settlers,<sup>15</sup> arrest and detention, the loss of their homes and schools, and restricted movement and access to essential services.<sup>16</sup>

**The most common charge brought against children is stone throwing, for which the maximum sentence is 20 years.**

## Overview of the Israeli military detention system

Approximately 500–700 Palestinian children come into contact with the Israeli military detention system every year.<sup>17</sup> No Israeli child does. Analysts have concluded the military courts in the West Bank are not intended to function as a comprehensive legal system; they must be understood as the ‘judicial arm’<sup>18</sup> of the occupying power, with an emphasis more on security than justice. There is generally no rehabilitation or deterrence, nor is there a willingness to seek alternatives to detention and imprisonment, such as probation services, public or community services or other alternatives.<sup>19,20</sup>

Under the mandate of general military orders, any police officer, security personnel or soldier has the power – without requiring a warrant – to arrest any child, if “there is cause to suspect that he or she has committed an offense”.<sup>21</sup> There is no independent oversight of the arrest process and scant evidence is provided in the majority of cases.<sup>22</sup> The most common charge is stone throwing, for which the maximum sentence is 20 years.<sup>23</sup> Without calling into question the potential seriousness of such an act, evidence suggests that the prevalence and severity of physical injury resulting from stone throwing is very low.<sup>24</sup> This should be noted when considering the proportionality of the treatment that children endure throughout their detention experience.

Israel’s military law enforcement system treats Palestinian children as guilty until proven innocent, with children remanded in nearly all cases, even when there is weak or non-existent evidence against them, or when evidence was obtained through infringements of the child’s rights.<sup>25</sup> Most of the children consulted for this report maintain their innocence, but told us they entered a guilty plea in order to reduce their sentence, given the extremely high conviction rate. The U.S. State Department’s 2014 human rights report on Israel states that military courts have more than a 99% conviction rate for Palestinian defendants.

Israel is the only country in the world that systematically prosecutes children in military courts, citing security concerns as justification for this practice.<sup>26</sup> In official documents, the state maintains the line that dealing with Palestinian children presents many challenges, as they belong to an “indoctrinated and violent population”.<sup>27</sup> Children are generally denied due process rights and sufficient safeguards within this system. According to the United Nations Committee on the Rights of the Child, “the conduct of criminal proceedings against children within the military justice system should be avoided.”<sup>28</sup>

Israeli children who unlawfully<sup>29</sup> reside in the West Bank are subject to the Israeli civilian legal framework. For example, Israeli children can be detained without access to a lawyer for a shorter period than Palestinian children.<sup>30</sup> Thus, **Israel operates two distinct legal systems in a single territory**.<sup>31</sup> This is despite international law dictating that no state is entitled to discriminate between those over whom it exercises penal jurisdiction based on their race or nationality.

Nearly 60% of Palestinian child detainees are transferred out of the West Bank to prisons inside Israel. This is in violation of Article 76 of the Fourth

## Children in East Jerusalem

Unlike their peers in other areas of the West Bank, children living in East Jerusalem have been subject to Israeli civil laws since the illegal annexation of East Jerusalem in 1967.

However, some of these children are still taken to military courts. If they are sentenced, they are taken to the same prisons as other Palestinian children who are tried under military laws and courts.

Geneva Convention,<sup>32</sup> which prohibits the forcible transfer of protected persons from an occupied territory, and prohibits an occupying power from transferring members of the occupied civilian population, including detainees, outside of the occupied territory.<sup>33</sup> A practical consequence of this violation is that many children’s family members are not able – or not allowed – to visit them in prison, compounding the sense of isolation and emotional distress that is borne by the children, and undermining a key protective factor that could buffer the impact of detention on children’s current and future mental health and psychological wellbeing.

Israeli officials repeatedly claim that the military courts attach a great deal of importance to safeguarding minors’ rights and take action to protect them.<sup>34</sup> However, ill-treatment in the Israeli military detention system is “widespread, systematic, and institutionalised throughout the process,” according to a 2013 report by the UN Children’s Fund (UNICEF).<sup>35</sup> In the years since the publication of this report, evidence from other organisations have supported these findings, including BtSelem,<sup>36</sup> DCI-P<sup>37</sup>

<sup>14</sup> The Humanitarian Needs Overview (2020), see [https://www.ochaopt.org/sites/default/files/hno\\_2020-final.pdf](https://www.ochaopt.org/sites/default/files/hno_2020-final.pdf)

<sup>15</sup> ‘Settlers’ refers to Israeli citizens who live in settlements in East Jerusalem and the West Bank, outside their country’s recognised borders

<sup>16</sup> United Nations Office for the Coordination of Humanitarian Affairs oPt (2019), Humanitarian Needs Overview 2019, see [https://www.ochaopt.org/sites/default/files/humanitarian\\_needs\\_overview\\_2019.pdf](https://www.ochaopt.org/sites/default/files/humanitarian_needs_overview_2019.pdf)

<sup>17</sup> Op. cit. DCI-P, Military detention

<sup>18</sup> Weil, S., International Review of the Red Cross, (2007). ‘The judicial arm of the occupation: the Israeli military courts in the occupied territory’, Volume 89, Number 866.

<sup>19</sup> B’Tselem (2015), Presumed Guilty: Remand in Custody by Military Courts in the West Bank, see [http://www.btselem.org/download/201506\\_presumed\\_guilty\\_eng.pdf](http://www.btselem.org/download/201506_presumed_guilty_eng.pdf)

<sup>20</sup> DCI-P (2016), ‘No way to treat a child’, see [https://www.dci-palestine.org/no\\_way\\_to\\_treat\\_a\\_child\\_palestinian\\_children\\_in\\_the\\_israeli\\_military\\_detention\\_system](https://www.dci-palestine.org/no_way_to_treat_a_child_palestinian_children_in_the_israeli_military_detention_system)

<sup>21</sup> B’Tselem (2018), ‘Minors in jeopardy’, see [https://www.btselem.org/publications/summaries/201803\\_minors\\_in\\_jeopardy](https://www.btselem.org/publications/summaries/201803_minors_in_jeopardy). Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651) 5770-2009 (hereinafter: Order regarding Security Provisions), Section 31(A). See Section 4 for information on a police officer’s authorities under the order.

<sup>22</sup> Op. cit. DCI-P (2016)

<sup>23</sup> Military Order 1651, § 212(3): ‘Throwing an object, including a stone, at a moving vehicle, with the intent to harm it or the person travelling in it, carries a maximum penalty of 20 years imprisonment’

<sup>24</sup> For example, one study reported that in 89 cases of stone throwing, physical injury was caused in one case and damage to a vehicle was caused in three cases. Op. cit. Children in Military Custody (2012)

<sup>25</sup> Op. cit. B’Tselem (2018)

<sup>26</sup> Ministry of Justice, The Legal Counseling and Legislation Department (International Law), Palestinian Minors in Military Juvenile Justice System, 5 August 2014

<sup>27</sup> Op. cit. B’Tselem (2018)

<sup>28</sup> UN Committee on the Rights of the Child, *Concluding Observations: United States of America, U.N. Doc. CRC/C/OPAC/USA/CO/1*, 30(g) (25 June, 2008)

<sup>29</sup> Op. cit. United Nations Security Council Resolution 2334 of 2016

<sup>30</sup> Op. cit. DCI-P (2016)

<sup>31</sup> Ibid

<sup>32</sup> The transfer of children to facilities in Israel also constitutes a war crime in violation of Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court. This practice has been challenged twice at the Supreme Court of Israel and both times, the Court held that when in conflict, Israeli legislation overrides international law.

<sup>33</sup> The Fourth Geneva Convention prohibits an occupying power from transferring members of the occupied civilian population outside of the occupied territory, including detainees. See ICRC <https://ihl-databases.icrc.org/ihl/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

<sup>34</sup> Op. cit. B’Tselem (2018)

<sup>35</sup> UNICEF (2013), Children in Israeli Military Detention Observations and Recommendations. See [https://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)

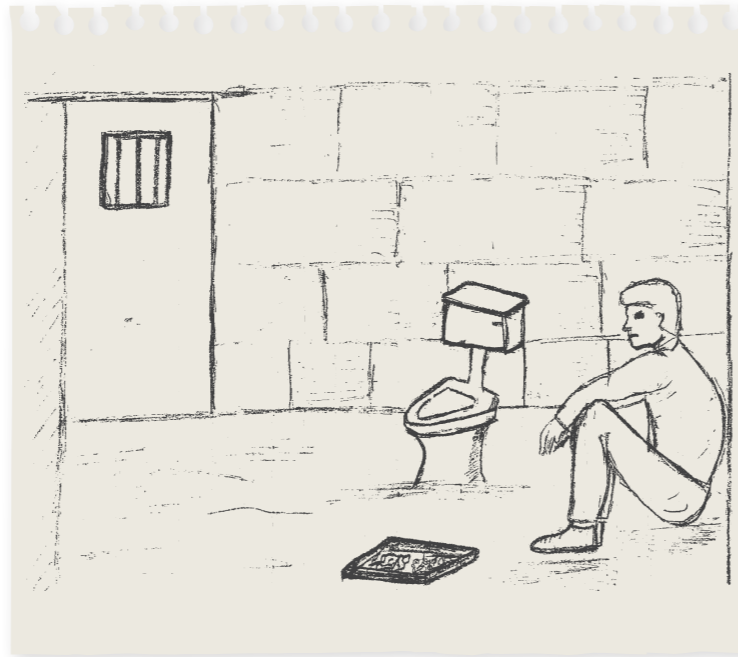
<sup>36</sup> Op. cit. B’Tselem (2018)

<sup>37</sup> Op. cit. DCI-P (2016)



and Military Court Watch (MCW).<sup>38</sup> Children who have been detained report abuse from the moment of arrest or detention, throughout interrogation, sentencing, incarceration, and after release. In June 2020, the Annual Report of the Secretary-General for Children and Armed Conflict<sup>39</sup> noted in relation to child detention that the “UN received affidavits from 166 children who reported ill-treatment and breaches of due process by Israeli forces, including physical violence and one threat of sexual violence.”

Following the research that Save the Children has carried out for this report, it is now emphatically clear – if not unsurprising – that the traumatic experiences encountered during the detention process have far-reaching and enduring impacts on children’s mental and physical health, their place in and how they are perceived by society, and their future prospects.



### The Palestinian Authority (PA)

According to the Declaration of Principles on Interim Self-Government Arrangements of 1993 (Oslo Agreement I), several agreements signed by the Palestinians and Israelis aimed to transfer some powers from the Administration of Israeli Occupation to the PA in particular areas of the occupied West Bank. Thus, while all children in the West Bank are subject to the Israeli military detention system, those living in Areas A and B who commit offences against other Palestinians, typically face prosecution in Palestinian courts.

The treatment of children in the PA’s detention system falls outside the scope of this report, since the majority of detained children in the West Bank pass through the Israeli military system.<sup>40</sup>

However, it is important to note that there is evidence to suggest that the PA is reportedly responsible for the ill-treatment of detainees.<sup>41</sup> Human Rights Watch has documented cases of detainees being taunted, threatened, placed in solitary confinement, and physically abused.<sup>42</sup>

Save the Children is calling on the Palestinian Authority to ensure that children deprived of liberty are safe from physical, psychological and sexual abuse, as well as threats of violence to themselves or others. Children must not be exposed to intimidation, threats, or any other cruel or degrading treatment at any stage of detention.

## International legal context

**The State of Israel, as the occupying power in the West Bank, bears international human rights obligations for all members of the occupied population.<sup>43</sup> It is as fully bound, for example, to respect the right to life of Palestinians, as it is of Israelis.**

Israel ratified the U.N. Convention on the Rights of the Child (UNCRC) in 1991, obligating itself to implement the full range of rights and protections included in the treaty for all children within its jurisdiction, including that the best interests of the child shall be a primary consideration in all decisions affecting children. While Israel denies the applicability of the UNCRC by Israel as a duty bearer for children living in the occupied Palestinian territory,<sup>44</sup> the Committee on the Rights of the Child has consistently held Israel to account for its treatment of Palestinian children in the territory.<sup>45</sup> For children deprived of liberty, it provides that:<sup>46</sup>

- No child shall be subjected to torture or other cruel, inhuman, or degrading treatment or punishment.
- No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.
- Every child deprived of liberty shall be separated from adults and shall have the right to maintain contact with his or her family through correspondence and visits.
- Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance.

- No child can be compelled to give testimony or to confess guilt.
- The state has a duty to provide non-penal measures where appropriate and desirable; to treat accused or convicted children with dignity and with a view to rehabilitation.

As a State Party to the International Covenant on Civil and Political Rights that provides no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment,<sup>47</sup> and the U.N. Convention against Torture, Israel is also precluded from any acts prohibited by the Convention<sup>48</sup> – namely, any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining information or a confession, punishing him or her for an act he or she has committed or is suspected of having committed, or intimidating or coercing him or her.

The right to be free from torture, cruel, inhuman or degrading treatment or punishment is also enshrined in the Universal Declaration of Human Rights,<sup>49</sup> the milestone document for human rights.

The prohibition against torture and other cruel, inhuman or degrading treatment or punishment is well established as having the enhanced status of a *ius cogens* – a peremptory norm of general international law – giving it the highest standing in customary international law. States must not merely refrain from authorising or conniving at torture or other ill-treatment but must also act to suppress, prevent and discourage such practices.<sup>50</sup>

<sup>38</sup> Military Court Watch Annual Report (2020), see <http://militarycourtwatch.org/files/server/MCW%20ANNUAL%20REPORT%20%282020%29.pdf>

<sup>39</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict (2020), Annual Report 2020 <https://childrenandarmedconflict.un.org/document-type/annual-reports/>

<sup>40</sup> In 2018, for example, 359 children were detained by Palestinian forces. 218 of them were placed in Dar Al-Amal, a rehabilitative facility, based on information provided to DCI-P by the Ministry of Social Development. DCI-P (2019), *Children languish in unsuitable Palestinian facilities during protracted pre-trial detention*

<sup>41</sup> DCI-P (2019), *DCIP submits joint alternative report to UN on Palestinian compliance with the CRC*

<sup>42</sup> Human Rights Watch (2019), *Submission to the Committee on the Rights of the Child on the State of Palestine*

<sup>43</sup> International Court of Justice (2004), Advisory Opinion on the Legal Consequences of Construction of a Wall in the Occupied Palestinian Territories, paragraphs 102–113 <http://www.icj-cij.org/docket/files/131/1671.pdf>

<sup>44</sup> See for example Committee on the Rights of the Child (2 October 2002), Thirty-first session, *Summary record of the 829th meeting*, page 10

<sup>45</sup> In 2004, the International Court of Justice found that both international humanitarian law and international human rights law applied in the oPt, and that Israel was obligated to implement the rights and protections found therein. The Israeli government and its armed forces must abide at all times by international humanitarian law as well as other human rights instruments that it has obliged itself to implement. Op. cit. International Court of Justice (2004) paragraphs 109–113

<sup>46</sup> UN Convention on the Rights of the Child Articles 37 and 40, see <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>

<sup>47</sup> UN Convention on the Rights of the Child especially Article 7; the UNCRC was ratified by Israel in October 1991, see [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=84&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=84&Lang=EN)

<sup>48</sup> UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, see <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

<sup>49</sup> Universal Declaration of Human Rights, Article 5, see <https://www.un.org/en/universal-declaration-human-rights/>

<sup>50</sup> United Nations General Assembly (2014), Report of the Special Rapporteur on torture, and other cruel, inhuman or degrading treatment or punishment, see [https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/AHRC-25-60\\_en.doc](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/AHRC-25-60_en.doc)

# Children's experience of the detention system

## Children in military custody: a report from UK lawyers

In 2012, a delegation of British lawyers published a report on the treatment of Palestinian children under Israeli military law.<sup>51</sup> The report, funded by the UK's Foreign and Commonwealth Office, found that Israel was in breach of eight of its international legal obligations under the UNCRC and the Fourth Geneva Convention.

They found violations relating to the following legal obligations: discrimination, best interests of the child, premature resort to detention, non-separation from adults, prompt access to lawyers, use of shackles, unlawful transfer and

detention outside the occupied territory, and failure to translate applicable laws.<sup>52</sup>

The report concluded with 40 specific recommendations in relation to arrest, interrogation, bail hearings, plea bargains, trial, sentencing, detention, complaints and monitoring. The West Bank-based organisation, Military Court Watch stated in June 2020 that after eight years, only one of the recommendations (number 33: separation of children from adults in detention) has been substantially implemented. This gives an implementation rate of just 2.5%.<sup>53</sup>



Signpost reads: 'Military checkpoint, slow down to be searched!'

## The moment of arrest or detention

**"They arrested me on my way to school at a military checkpoint. They searched my bag and started speaking to me in Hebrew – a language I do not understand. They handcuffed me, threw me on the floor and stepped on my back."**

**Fatima, detained when she was 14 years old**

Most of the children that we interviewed reported being arrested or detained either at home or at a military checkpoint, although this varied between girls and boys. Girls more frequently reported being detained at checkpoints, whereas a majority of boys were detained from their homes. It is common for Palestinian youth to be targeted for detention when they are located near to illegal Israeli settlements.<sup>54</sup> According to Military Court Watch, the Palestinian children who were detained in 2019 lived on average within 900 metres of a West Bank settlement that was built in violation of the Fourth Geneva Convention – the same Convention that is relied on by the military authorities to justify prosecuting these children in military courts.<sup>55</sup> A quarter of the children we consulted said they had been arrested or detained on more than one occasion. This was particularly common among boys, with more than half saying they had experienced detention at least twice.

**More than half of the children we consulted (53%) were arrested during night raids at their home, between midnight and dawn.** During our focus group discussions with children, we heard that the shock of being woken up and detained at night compounded the distress that children suffered during transfer and interrogation, as they felt "disoriented", "confused" and "exhausted". Many of the children who were arrested at night said that they were not allowed to sleep before being interrogated. Representatives of the Israeli Ministry of Justice have previously stated that night arrests are necessary for security.<sup>56</sup>

During our research, children were asked to detail their journey through the Israeli military detention system, from the time of their arrest or detention through to their transfer, interrogation, incarceration, release and their reintegration into their communities. Near universal testimonies of ill-treatment emerged, including widespread use of solitary confinement, physical violence, coercive interrogations, and the denial of due process rights.

**The percentages presented henceforth refer to the responses of the 470 children and young people who were consulted for this report.**



<sup>51</sup> Op. cit. Children in Military Custody (2012)

<sup>52</sup> Ibid, page 30 (conclusions)

<sup>53</sup> Military Court Watch (2020), UK lawyers' report: 8 years on

<sup>54</sup> Op. cit. DCI-P (2016)

<sup>55</sup> Military Court Watch (2020), Monitoring the treatment of children held in Israeli military detention annual report 2019/20, see [http://www.militarycourtwatch.org/files/server/MCW%20ANNUAL%20REPORT%20\(2020\)\(1\).pdf](http://www.militarycourtwatch.org/files/server/MCW%20ANNUAL%20REPORT%20(2020)(1).pdf)

<sup>56</sup> Op. cit. Children in Military Custody (2012)

**At the moment of arrest or initial detention, almost a quarter of children (24%) said that they were physically abused.** The most common assaults included being punched, slapped, pushed, and kicked. **99% had their hands tied behind their backs, mostly by plastic ties.** Research conducted by the Israeli NGO, B'Tselem, notes that this practice occurs even where there has been no attempt to resist arrest by children.<sup>57</sup> This is despite the Government of Israel changing its policy in early 2010, to require that hands be tied at a person's front during arrest or detention, rather than behind their back. Evidently, this policy change has not led to a change in practice. Furthermore, **most children (89%) reported being blindfolded or hooded during detention.**

The vast majority of children interviewed for this report were not informed of the reason for their arrest, where they were being taken, or how to contact their parents. There is no consistent official notification process to inform parents where their child will be taken, and parents are often not able – or not allowed – to accompany their child.<sup>58</sup> Children were rarely read their rights, including their rights to silence and to legal assistance. Some children said that they were not aware that the conversations they were having during arrest or transfer could be used as evidence against them.

## Transfer

**“They transferred me at 2am and I would be returned to prison at 2am the following night. We would be put in waiting cells, as they procrastinate and we have no water or food, or ability to use the bathroom. All this torture is for a court hearing that does not last more than 4 minutes, and each time they would end up postponing my hearing.”**

**Wafa, detained when she was 15 years old**

There are two main types of transfer that children who have been detained experience:

1. Transfer for interrogation following the initial arrest, normally in the custody of the Israel Defence Forces (IDF)
2. Transfers within the prison system, generally between facilities and for court hearings, normally in the custody of the Israel Prison Services (IPS).

Both types of transfer may last for many hours, during which children reported being handcuffed to metal chairs, forced to lie face-down on the metal floor of military vehicles, denied bathroom breaks, denied food and water, and physically assaulted. **86% of children we consulted said they had been strip-searched, with more than half of girls reporting being strip-searched more than once, or many times. Children reported feelings of humiliation and shame as a result.** Boys more commonly reported physical violence than girls (82% of boys compared with 50% of girls), whereas girls were more frequently the victim of humiliating and degrading taunts (38%).

Children said that Israeli authorities consistently neglected to inform them of their rights or the due process to which they are entitled. They expressed feeling confused, afraid, and exhausted during the transfer process. They were often not allowed to contact their families or lawyers, and were therefore worried that they would struggle to receive comfort or advice before their trial.

## Interrogation

**“[Interrogators] wanted me to confess to a crime I did not commit, and they wanted to put pressure on me so that I would confess false crimes about my friends.”**

**Sami, detained when he was 14 years old**

The ultimate aim of the interrogation process is to elicit a confession from the child. The vast majority of convictions are made based on statements obtained during the interrogation – even when obtained through flagrant infringements of the child's rights.<sup>59</sup> Children consulted for this report described a coercive environment during their interrogation, including reports of a plethora of mistreatments and abuse, with a lack of proper protections and safeguards in place.

- **52% report being threatened with harm to their family if they did not provide information or a confession**
- **89% report experiencing verbal abuse, with 60% saying this happened frequently**

Some children recounted being asked to sign documents that they could not understand, as they were written in Hebrew. Military Court Watch found that 73% of children are shown or made to sign documentation written in Hebrew at some point during their investigation.<sup>60</sup>

Children often do not have a lawyer or parent present, are not reminded of their rights, and are pressured to incriminate themselves or others, often under threat of violence or harsher punishment. In affidavits collected from 752 children by DCI-P, 96% were interrogated without a family member present and not a single child had a lawyer present. **This is a systematic denial of a legal right and an essential legal safeguard.**

Under Israeli military law, a child must be informed of his or her right to consult with a lawyer on arrival at a police station. However, the order does not stipulate when the consultation should take place. Moreover, there is no corresponding obligation whatsoever on the military to inform a minor of this

right. Although the military courts have said on a number of occasions that a minor should consult with a lawyer prior to interrogation, this rarely happens in practice. This is due, in part, to the fact that many children are arrested at night and generally will not have the contact details of a lawyer.

Furthermore, interrogations are not generally recorded – despite this being enshrined in multiple international norms and safeguards<sup>61</sup> – and therefore the evidence often rests on the word of the interrogator against the word of the child.<sup>62</sup>

Girls reported higher rates of emotional abuse than boys, including gendered and humiliating remarks about their bodies that were intended to shame them, and they were also subject to various forms of physical abuse. A similar strategy is also evident in the interrogations of boys who had been detained. Many of the boys we consulted remembered interrogators making sexist and derogatory statements against their mother or sister, using degrading language to “question their honour”.

## Children being interrogated endure ill-treatment that violates their rights enshrined under international law, and systemically targets their psychosocial and physical wellbeing.

**“They destroyed the main door, entered my room, covered my face with a bag and took me. They forced the rest of my family members into one room while they arrested me. They told my father that I will return tomorrow. I returned after 12 months.”**

**Abdullah, who was detained six times as a child**

**“The interrogator was smoking and kept blowing smoke in my face – even though I had told him that I have severe respiratory problems.”**

**Nadia, who was detained at 16 years old**

**“He [my son] went through eight different interrogation sessions in different centres and eventually was placed in Ofer Prison. In prison, he was exposed to physical violence and as a result had suffered from shoulder dislocation and bruises across his body.”**

**Omar, whose son was detained at 16 years old**

<sup>57</sup> B'Tselem (2011), No Minor Matter, see <https://www.btselem.org/publications/summaries/2011-no-minor-matter>

<sup>58</sup> Op. cit. DCI-P (2016)

<sup>59</sup> In 2009, the UN Committee Against Torture noted concern regarding allegations that in 95% of cases involving Palestinian child detainees, the Israeli military courts relied on confessions to obtain a conviction. UN Committee Against Torture (2009), Concluding Observations: Israel, U.N. Doc. CAT/C/ISR/CO/4, ¶ 27. (Jun. 23, 2009.) DCI-P attorneys report that this generally remains the state of affairs in the Israeli military courts. Op. cit. DCI-P (2016)

<sup>60</sup> Op. cit. Military Court Watch (2020)

<sup>61</sup> Convention on the Rights of the Child, Article 40(2)(b)(ii) and (iv); Convention on the Rights of the Child General Comment No. 10, para 58; International Covenant on Civil and Political Rights, Article 14(3)(b); HRC General Comment No. 20, para 11; HRC Concluding Observations, Israel (29 July 2010), ICCPR/C/ISR/CO/3, para 22; Convention against Torture, Article 2; UN Committee against Torture, General Comment No. 2, para 14, and Concluding Observations, Israel (14 May 2009), CAT/C/ISR/CO/4, paras 15, 16, 27 and 28

<sup>62</sup> Op. cit. DCI-P (2016)

Despite Israel's obligation to only arrest or detain children as a matter of last resort, out of the children we consulted who were sentenced by the Israeli military court system, **only 1% were sentenced to house arrest, while an astonishing 99% were imprisoned.** An additional five children who were surveyed said that they were held under 'administrative detention', with no official charges brought against them.<sup>63</sup> Even when children are charged under Israeli military law, they can be detained for up to one year before legal proceedings have to be completed against them. Although most children said they were detained or imprisoned for periods of 10 months or less, the longest sentence among the children surveyed for this report was four years.

## Detention

**"You do not feel like a human being in that place. We were treated like animals."**

**Amina, detained when she was 15 years old**

Across all ages, genders and locations, the children we consulted experienced fear and intense emotional distress throughout the entire time they were detained. They described detention as "torturous", "one of the most difficult experiences a person can endure", "dehumanising", "humiliating" and "confusing", and reported high levels of ill-treatment and abuse:

- **81% were physically beaten at least once, and 43% were beaten numerous times**
- **88% did not receive the healthcare that they required, even when explicitly requested**
- **46% were deprived of food and water, and almost all of these children (93%) said that this happened more than once; others reported being given 'inedible' food including raw meat**
- **85% were often woken up in the middle of the night, with some reporting that alarms went off every few hours to disrupt their sleep.**

A smaller number of the children we consulted experienced less commonly reported types of ill-treatment, for example they had dogs released on them, or a bag placed over their head.



**Up to half of the children we consulted said that they were held in isolation in police cells or in solitary confinement by security forces at some point during their detention.** It is worth noting that affidavits collected by DCI-P show the rate of solitary confinement to be lower than this, at 15.4%, so our sample may not be representative of all Palestinian children in detention, but is nevertheless cause for concern and further research.

DCI-P's research also highlighted that more than 90% of children held in solitary confinement provided a confession.<sup>64</sup> International law is clear that children are entitled to special protections, safeguards and

**81% of the children consulted were physically beaten at least once, and 43% were beaten numerous times.**

care,<sup>65</sup> and should not be subjected to solitary confinement for any duration or reason. Boys are more likely to experience long durations in solitary confinement throughout detention – with some reporting that they spent several weeks in solitary confinement, whereas girls are likely to be alone for shorter periods of up to 16 days. **More than half of the children (51%) were not allowed to see their families while they were detained.** This vastly increased their feelings of fear, isolation, and sadness. Those who said they were able to see their families had to wait an average of three months before their first family visit, which can last for a maximum of 40 minutes.<sup>66</sup> The psychological toll of these children being separated from their loved ones when their support is needed most, cannot be overstated.

Boys reported more physically violent experiences in prison compared to girls, often as a result of Israeli prison guards' treatment of adult male prisoners being extended towards boys who share their cells. For example, children stated that it is common practice to implement collective punishment against the entire prisoner population when any prisoner violates regulations.

## Denial of services

**"What right do they have to arrest me and put me in prison for 100 days, threaten to arrest my father, and hit my mother? I was exposed to torture and spent ages without food or sleep."**

**Bassam, who was detained five times as a child, with his first arrest at just 11 years old**

Despite their rights enshrined in the UNCRC, **almost half of the children we consulted (47%) were denied contact with a lawyer at least once during their time in detention.** Evidence suggests that this denial is most likely to take place before the interrogation. DCI-P found that 97% of children did not have a lawyer present during their interrogation.

**Almost half of the children we consulted (47%) were denied contact with a lawyer at least once during their time in detention.**



<sup>63</sup> Military Order 1651, § 144 (as amended by Military Order 1711)  
<sup>64</sup> Op. cit. DCI-P (2016)

<sup>65</sup> Op. cit. UN Convention on the Rights of the Child, Article 19  
<sup>66</sup> Ibid.

While the evidence from Military Court Watch indicates that more children are now being informed of their right to consult with a lawyer, critically, they are unable to exercise this right until after the end of the interrogation. As a result, most Palestinian children in detention consult with a lawyer for the first time in a military court, after the interrogation phase is over.<sup>67</sup>

**Children are even less likely to receive healthcare while in detention, with an overwhelming 88% reporting that they did not receive adequate care.** For the small minority

that did receive healthcare, children said that their treatment was not appropriate or timely. Child detainees are also denied focused and specialised psychosocial support, which is an important contributor to the severity of distress and adversity these children experience. One of the most frequently reported practices by Israeli authorities is to emphasise to children that they are alone – abandoned by their family, friends, and society. Children recalled that prison guards would falsely tell them that their families were refusing to visit them.

### Case study: Issa, detained at 15 years old

*“I was arrested at the end of the school day when there were clashes outside the school gates. I tried to walk through the clashes quickly, but I was shot in my right leg by a soldier. It hurt so much that I collapsed to the ground. Three soldiers came over and started beating me while I was on the ground bleeding. Paramedics tried to reach me to take me to hospital in an ambulance, but the soldiers wouldn’t let them.*

*“I was taken to an interrogation centre instead of hospital, but the soldiers did give me some medical care by wrapping my leg up in a bandage. They then blindfolded me, tied my hands together with plastic cable ties and took me to a second interrogation centre. I was so confused and didn’t know where I was being taken. I asked to speak to my parents and to have legal advice as I know my rights – but again, they said no.*

*“While I was being interrogated, they kept shouting at me, and they put a gun on the table in front of me to intimidate me. They said bad, bad words. I don’t want to think about those words.*

*“When I refused to confess, they stopped the interrogation. They took me to a detention cell and chained me to a metal chair by my wrists and ankles. They made me take all my clothes off first, and it was December, so I was freezing cold.*

*“The next day they interrogated me again. I kept saying that I have rights and that I needed treatment.*

*They asked me to show them my injury, so I showed them my bullet wound. They then pressed on the wound, saying that they wouldn’t stop until I confessed. It was the worst pain I’ve ever felt. I then decided to confess to stop the pain. I said that I threw two stones.*

*“I was finally taken to get medical treatment two days after I was shot. They stitched up the wound and gave me a new bandage. It still hurts to this day, two years later.*

*“After my ‘confession’, I was sentenced to seven months in prison. Prison was an ugly, ugly place. I don’t like to think about it. They would also set off alarms at midnight, 3am and 6am so we could never sleep for long. If you’re not awake at these alarms, you will be beaten. I was beaten with wooden sticks a few times. I still have back pain now because of a particularly bad beating.*

*“The day that I was released was the happiest moment of my life. I was free! It was like a wedding; all my family and friends came to celebrate my freedom. I was so happy. When I was arrested, I was just in the wrong place at the wrong time.*

*“Children who have been detained still have rights, and these rights should be protected. We shouldn’t be tortured. We should be allowed an education and a future. All I want is peace and a future. I will work as hard as I can to make both things possible.”*

# The impact of detention on children

## Mental health

**“As a person, I have changed. My anger has increased, and I can’t tolerate anything.”**

**Mahmoud, detained when he was 17 years old**

Children who go through the military detention system report pervasive and broad impacts on their mental health and wellbeing, as well as their prospects. The children that we consulted emphasised that the impact of detention is not limited to their period of imprisonment; their horrific experiences haunt them for many years to come. **Almost half of children (48%) said that they have not**

**felt able to fully return to their normal life, and 85% said that they have changed due to their experiences.**

Children said that they experience the impact of detention most when they attempt to reintegrate back into their families and ‘normal’ life. **A majority of children (59%) reported that they do not feel safe outside their home after their release,** with

**85% of children said that they have irreversibly changed after being detained.**

## Mental health in the oPt

Palestinian children have grown up in a state of military occupation, conflict and political uncertainty. Most have experienced traumatic events such as the loss of loved ones, movement restrictions, settler violence, house or school demolitions, humiliation or harassment.

The oPt has the highest burden of mental health issues in the Eastern Mediterranean.<sup>68</sup> In a 2005–2008 study of Palestinian mental health patients, more than a quarter of children under the age of 15 (26%) met the criteria for post-traumatic stress disorder (PTSD).<sup>69</sup> Another study from 2014 that looked specifically at Palestinian youth of Hebron found high rates of suicidal ideation among Palestinian girls and boys aged 13–17. Approximately 30% of Palestinian boys and

20% of Palestinian girls had “seriously considered attempting suicide in the last 12 months” and similar rates had “made a plan on how to attempt suicide in the last 12 months.”<sup>70</sup>

It is worth noting that many Palestinian mental health experts do not agree with the diagnosis of PTSD in this context, because it does not take into account the fact that traumatic events are ongoing, and there can therefore be no ‘post’.<sup>71</sup> Researcher Rita Giacaman concurs, contending that symptoms of distress are a natural response to the poor and unstable quality of life in conflict zones and areas under military occupation, which do not benefit from the diagnosis of individuals but instead require a societal and political solution.<sup>72,73</sup>

<sup>67</sup> Military Court Watch, ‘Access to lawyers’ see <http://www.militarycourtwatch.org/page.php?id=8htEzJcYdQa627660ACDM3VgM3TE>

<sup>68</sup> Op. cit. Charara, R., Forouzanfar, M., et al. (2017)

<sup>69</sup> Espié, E., Gaboulaud, V., Baubet, T. et al. (2009), ‘Trauma-related psychological disorders among Palestinian children and adults in Gaza and West Bank, 2005-2008.’ *International Journal of Mental Health Systems* 3, Article 21

<sup>70</sup> Farid A.W. Ghrayeb, A. Mohamed Rusli, I. Mohd Ismail and Ayesha Al Rifai (2014), ‘Prevalence of Suicide Ideation and Attempt among Palestinian Adolescents: Across-Sectional Study.’ *World Journal of Medical Sciences* 10 (3): 261–266.

<sup>71</sup> Goldhill, O. (2019), ‘Palestine’s head of mental health services says PTSD is a western concept.’ *Quartz*.

<sup>72</sup> Rabaia, Y., Saleh, M., Giacaman, R. (2014), ‘Sick or Sad? Supporting Palestinian Children Living in Conditions of Chronic Political Violence.’ *Children & Society* volume 28, pp. 172–181.

<sup>73</sup> Giacaman, R., Rabaia, Y., Nguyen-Gillham, V., Batniji, R., Punamäki, R.L., and Summerfield, D. (2011), ‘Mental health, social distress and political oppression: The case of the occupied Palestinian territory.’ *Global Public Health*, 6:5, 547–559

many adding that this makes them question what their future might look like. One boy, Zuhair, questioned: *“Is there nowhere safe for me now, will I just live in the same room forever? What will my life look like?”*

With their sense of security shaken, many experience profound repercussions on their mental and physical health, manifesting in physical signs of distress such as uncontrollable shaking, excessive crying, insomnia, and chest pains. Children almost universally reported heightened anxiety around other people and difficulties in social situations, including with their family and friends. Their place in society – or at least their perception of their place in society – has shifted, leading to a fractured sense of self and complicated social relationships.

The psychiatrist and psychotherapist Samah Jabr, who leads the Mental Health Unit at the Palestinian Ministry of Health, has observed that some child detainees, “become anxious and depressed following their detention, whereas others struggle to express any emotion and appear ‘stoic’. I see patients with post-traumatic stress disorder (PTSD) often, for example after an accident. But with detainees, the effect is more profound. It changes their personality and belief system.” This suggests that child detainees may experience complex trauma, or complex PTSD, reflecting “both children’s exposure to multiple traumatic events – often of an invasive, interpersonal nature – and the wide-ranging, long-term effects of this exposure”.<sup>74</sup> Complex trauma has been associated with a host of life-long, negative physical and mental health outcomes.<sup>75</sup>

## Behavioural changes

**“This experience was very difficult for him. Even the smallest things bother or scare him now, like turning on the lights.”**

**Rania, whose son, Wael, was detained at their home during a night raid when he was 14 years old**

The emotional impact of detention manifests in behavioural changes in some children. The children we consulted reported the following changes since their release:

- **53% experience tantrums and anger**
- **49% feel unable to express their emotions and feelings**
- **42% are unable to focus**
- **15% report excessive crying**
- **47% experience insomnia or difficulties sleeping**
- **39% have recurring or frequent nightmares**
- **27% report excessive sleeping**
- **13% need the lights on to sleep**
- **61% have started smoking**
- **29% have experienced loss of appetite**

The age at which children experience detention determines the behavioural changes that they are likely to experience. Those detained during their late teens are more likely to have difficulty sleeping, lack ability to focus, and experience loss of appetite. On the other hand, younger children are more likely to actively seek isolation, experience anger and excessive crying, become afraid of the dark, and experience nightmares.

## Coping mechanisms

One of the most common barriers that children face when trying to overcome their severely distressing experiences is the frequency with which children are detained in the West Bank. While children are attempting to recover from their experiences, continued reports of other children, including their friends, being detained can act as an emotional trigger. Many children described re-experiencing their detention when they witnessed or heard about other children being detained, leading to the impression that *“nowhere is safe”* for them.

**“I remember the details, but I try not to think about them. But it’s impossible because every time a child is arrested, I remember my own experience.”**

**Bilal, detained when he was 14 years old**

Furthermore, the prevalence of Israeli soldiers and checkpoints across the West Bank act as additional triggers for former child detainees – not only reminding them of traumatic memories of detention, but also that their safety continues to hinge on the policies of the occupying power.

Given the limited support services available, many children said they have made a conscious effort not to think about their experiences, although this is rarely successful:

- **77% make a conscious effort to avoid thinking about their experience in detention**
- **76% think about the details of their experience every day, despite attempting avoidance**
- **65% are frequently worried about being arrested or detained again**

## Physical health

**“Nabil’s health has deteriorated. He now suffers from vitamin deficiency, shortness of breath, and is often forgetful. [He] also suffers pain throughout his body as a result of stress. He has been taking sleeping medication to sleep at night.”**

**Nora, whose son, Nabil, was detained when he was 17 years old**

The impact of detention on children’s wellbeing is not limited to their mental health but can also extend to physical signs of distress. This can be the result of injuries sustained during arrest, interrogation or incarceration, or the physical manifestation of the severe emotional distress they experience. The children we consulted said they frequently suffer from a range of physical symptoms since release, none of which they routinely experienced prior to detention:

- **38% feel extreme exhaustion**
- **35% experience headaches and dizziness**
- **30% have chronic and lasting muscle pains**
- **26% experience chest pains or breathing difficulties**
- **20% feel numbness or loss of sensation across different parts of their body**
- **12% experience shaking and shivers**

The age at which a child is detained has a bearing on the physical symptoms they are likely to experience. For children detained between the ages of 15–17, muscle pains, headaches and dizziness, severe exhaustion, loss of sensation and numbness are more common. On the other hand, breathing difficulties and chest pains, shivers and shakes are more common for children who were detained under the age of 14.

<sup>74</sup> National Child Traumatic Stress Network, ‘What is child trauma?’, see <https://www.nctsn.org/what-is-child-trauma>

<sup>75</sup> See for example Ford, J. D., and Courtois, C. A. (2009), ‘Defining and understanding complex trauma and complex traumatic stress disorders’ in *Treating complex traumatic stress disorders: An evidence-based guide* (p. 13–30). Guilford Press.

# Family and community impact

## Isolation

**“I prefer to be alone now, because I feel as though no one is a friend to me. The support I needed from my friends was to not feel alone – but I didn’t get that.”**

**Samer, detained when he was 11 years old**

Children who have experienced detention often struggle to re-establish their relationships with family and friends after release. **Despite most of the children we consulted (88%) saying that they have received emotional support from family and friends, they still feel ‘othered’ and unable to slip back into the social fabric of their old lives.** Children reported feeling lonely and disconnected from their loved ones after release:

- **60% think that they are treated differently by family and friends**
- **53% no longer enjoy spending time with their peers**
- **48% do not feel able to return to their normal lives at all**
- **38% feel alienated from family and friends**

Children reported that there are several factors driving these feelings of isolation and alienation, including the overarching sense of insecurity that is experienced by the Palestinian population under the occupation. Other children may alienate former child detainees out of fear that they will be detained or harassed by Israeli forces by association. Similarly, many of the parents that we consulted said that other parents in the community warned their children against socialising with former detainees, due to concerns over their own children ‘being a target’.

Other children may be ill-equipped to handle the behavioural and emotional changes in their friends who have experienced detention, such as aggression and the hyperarousal that can result from PTSD. Their rejection further compounds the emotional distress and isolation experienced by former detainees, who have their support network ripped away at the very moment they need it most.

Girls are more likely to experience isolation and alienation, especially in communities where the arrest or detention of girls is a rare occurrence. This may be due to the fact that there is a common belief that girls who are detained are sexually assaulted. Although this is not frequently reported, many girls told us that this is the perception in their communities and as a result, they have a ‘stained reputation’ upon release.

The combination of the emotional distress of detention and the new social dynamics that children must navigate, exacerbate insecurities and confusion about ‘who they are in society’, and the role they should assume. Many children said that they now feel like their identity in society is solely that of ‘detainee’, which eclipses all other aspects of their identity, such as student, son and friend. It confines the child to a mould that they do not fully understand, which is mired with all the adversity of their experience.

Children also reported that they saw detention as ‘the end of their childhood’. 17-year-old Ghassan said: *“I entered [prison] as a little boy. If you see a picture of me of how I was and how I am now, you can’t imagine how I changed. When I came out of prison, I was more aware. Before, I used to mess around and make jokes... In prison I started asking myself, what am I doing here? I changed drastically.”*

## Normalisation of the detention of children

**“I don’t remember all the details of my detention, only parts of it. I try not to think about it, it’s normal to me. I’ve been exposed to it so many times that it is a part of my life.”**

**Rami, detained when he was 17 years old**

The frequency with which arrest and detention occurs, means that some children cope by normalising their experience. **An overwhelming majority (96%) of former detainees believe that all Palestinian children their age are at risk of being arrested or detained.** Some children expressed that being detained was “inevitable given the occupation”. Boys are more likely to assume detention is inevitable than girls, which is perhaps reflective of the gender disparity of arrest rates between girls and boys. Studies suggest that 40% of the Palestinian male population has been detained at some point between 1967 and 2014.<sup>76</sup> As a result, more girls reported that their detention was a shock. However, whether or

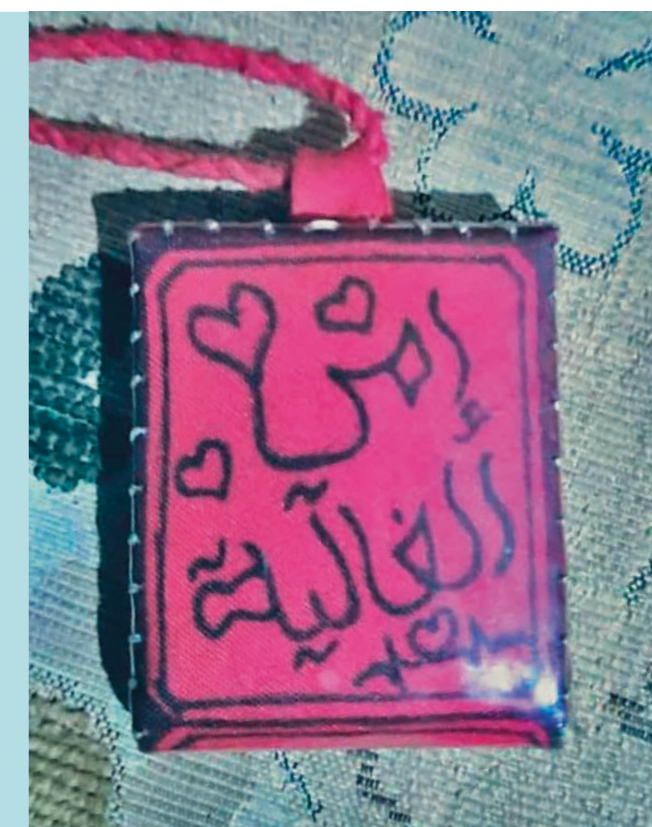
not the detention was anticipated had no bearing on children’s ability to recover or the lasting impact of their experience.

Perhaps due to this normalisation, children, and especially boys, are unlikely to seek or access psychological support after their release, under the general pretext that “everyone goes through this experience”. A lack of support following release from detention compounds the impact and sense of isolation that the children experience. Moreover, despite reporting many issues such as insomnia, “always feeling sad”, and being unable to eat, many boys were resistant to admitting a broad psychological impact or their need for support. One boy, Abai, who was detained at 16 years old and expressed feeling “always angry and alone”, also said: *“I am as I was before the arrests... what I have noticed, however, is that inside prison it was quiet and since I was released I get scared of sounds and noises.”*

Girls who have been detained are far more likely than their male counterparts to express vulnerability and recognise the psychological impact of their detention on their wellbeing. This may be due to societal perceptions, which allow women and girls to

**Hassan was detained while heading home from school when he was 15 years old. He said: “I made the necklaces when I was in prison for my mum, dad, and sister. After I was released I lost many of my friendships and only spent time with my family.**

**“I was detained when I was going home after school, there was a protest near my school. When Israeli soldiers started to fire tear gas and to shoot at the protesters, I started to run, but I was shot in my leg and arrested.”**



<sup>76</sup> Addameer (2014), Palestinian Political Prisoners in Israeli Prisons, see [https://www.addameer.org/files/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20\(General%20Briefing%20January%202014\).pdf](https://www.addameer.org/files/Palestinian%20Political%20Prisoners%20in%20Israeli%20Prisons%20(General%20Briefing%20January%202014).pdf)

express their vulnerabilities more freely than boys, who may feel that they are supposed to demonstrate 'masculinity' and suppress emotions. One clinical psychologist recalls a boy, Ziyad, who was brought into his clinic by his sister, after being detained 14 times: "He was always grimacing and refusing to talk about his feelings. But as soon as his sister left the room, he burst into tears saying, 'Isn't it enough what I'm dealing with? Now they want to make me insane too?'"

Psychosocial support holds negative associations in many parts of Palestinian society. For children who are already vulnerable and whose feelings of safety have been fractured during detention – particularly if Israeli authorities have convinced them that they have been abandoned by their family – expressing vulnerability upon release may be perceived as an additional burden rather than a benefit. **Almost a third of children told us that they would never feel comfortable sharing their experiences with family, friends, or a specialist.**

### 'Heroisation'

**"Although people think of ex-detainees as heroes, the reality is different. My friends did not want to spend time with me out of fear of getting in trouble, arrested, and ruining their future. I was an outcast."**

**Mohammed, detained when he was 14 years old**

While some children become withdrawn, anxious and overly dependent on their parents after release, others act in an assertive, overly-confident manner, intentionally perpetuating the perception that they are a 'hero' after experiencing detention, which is more likely a façade that children, especially boys, present to compensate for feelings of fear and insecurity.

**The vast majority of children we consulted (87%) reported feeling like they are a hero for the Palestinian cause.** The societal perception of children who have been detained as heroes, or the vanguard of the Palestinian cause, adds a layer of complexity to children's ability to recover post-detention. Many of the children's parents said that this perception leads to behavioural problems including anger, entitlement, and feelings of invincibility.

The phenomenon of 'heroisation' within Palestinian society (and occasionally, the wider international community) conceals the underlying impacts that are being experienced by the child, and can clash with how they view and feel about their actual experience of detention. The children that we consulted who most strongly felt like they were a hero, were also the least likely to seek help or admit that they are struggling. Others' perception of detained children as heroes can also lead them to display certain behaviours as they attempt to re-establish or forge their identity.

Another factor that impacts a child's reintegration is the media. Some children reported that unequal media attention given to former detainees nurtures resentment amongst those detainees that get less media attention, because they feel it reflects their worth. One father said that his son, Fadi's, behaviour changed dramatically when his arrest was captured by a photographer and went viral when he was 15 years old. "His whole life changed. He felt like a hero when he was released and enjoyed the attention. This experience has become the centre of his life and as a result he feels entitled to certain behaviours. He does not accept any criticism or guidance."

## Education

**"They took away my right to education. They did not allow me to return to school."**

**Shadi, detained when he was 15 years old**

Despite their right to education being enshrined in international law, children are not always granted adequate education while they are detained. Those who do have the opportunity to learn are generally limited to a restricted curriculum, often at the incorrect level, leaving them ill-prepared to return to school on their release. Many of the children said that the only subject offered to them was Hebrew. Science lessons are reportedly forbidden due to "security concerns".<sup>77</sup> The Economic and Social Council of the UN says: "so far as practicable, the education of prisoners shall be integrated with the educational system of the country so that after their release they may continue their education without difficulty."<sup>78</sup>

As a result of falling behind their classmates, and the broader impact of detention on children's psychosocial wellbeing, many children do not continue their studies after release. **While three quarters of the children we consulted were in school before they were detained, only 42% continued their studies after their release,** with boys being more at risk of dropping out than girls. Boys said that they felt pressure to earn money after their release and were worried about being mocked by their peers for falling behind in class. Girls were more incentivised to continue studying after their release, believing that academic achievement might help them to mitigate the social stigma they suffer after detention. One girl, Mais, who was detained when she was 16 years old noted: "The experience of detention motivated me to continue my path to education. Despite the circumstances, I must continue to study because it is a tool which makes girls stronger and gives us a more important place in society."

Children who returned to school reported several challenges. In particular, they found their journeys to school especially dangerous. Due to their histories,

they are at heightened risk of harassment, assault or re-detention and they fear being intercepted by the military or stopped at checkpoints. For former child detainees who had terrifying experiences while in prison, fears about the journey to school could aggravate or trigger feelings of emotional distress and anxiety. Most of these children said that they would only go to school if their parents drove them, which is often not possible, leaving them at a high risk of dropping out of school.

Beyond the emotional and social impact of detention, children can struggle to reintegrate and catch up at school. Some children said that they were embarrassed to fall behind their peers and would rather drop out of school than learn with younger students. Teachers also reported that former child detainees' academic performance often suffers, with slipping grades and disruptive behaviour in class. They emphasised the importance of providing former child detainees with additional education, social and psychological support. Despite the high rates of child detention, schools struggle to prioritise the specific needs of former detainees, whether in the form of psychosocial support or catch-up classes.

DCI-P has also outlined the contrast between the education afforded to Palestinian and Israeli children in Israeli juvenile facilities.<sup>79</sup> This is in violation of the UNESCO Convention against discrimination in education, which was ratified by Israel in 1961 and calls on states "to abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education."<sup>80</sup>

**While three quarters of the children we consulted were in school before they were detained, only 42% continued their studies after their release.**

<sup>77</sup> Op. cit. DCI-P (2016)

<sup>78</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners Rule 104, see [https://www.apt.ch/en/dfd\\_print/621/legal/es](https://www.apt.ch/en/dfd_print/621/legal/es)

<sup>79</sup> DCI-P, Inside Megiddo's Juvenile Section: Education (Part 3), see [https://www.dci-palestine.org/inside\\_megiddo\\_s\\_juvenile\\_section\\_education\\_part\\_3](https://www.dci-palestine.org/inside_megiddo_s_juvenile_section_education_part_3)

<sup>80</sup> UNESCO Convention against discrimination in education, see <http://www.csie.org.uk/inclusion/unesco-discrimination-education.shtml>



# Recovery and reintegration

Children's ability to recover from the horrifying events they have experienced during their arrest and detention is intrinsically connected to the extent, timeliness and duration of the support they receive. Unfortunately, support for children who have experienced detention – be it educational, vocational or psychosocial – remains out of reach for many children. The 2020 Humanitarian Response Plan requires US\$33.7 million for protection services across the oPt, but as of October 2020, this is critically underfunded with just 9.6% of needs met.<sup>81</sup>

There is also considerable reluctance to access the services that are available. Both children and parents expressed that it is common for Palestinian communities to shrug off the importance of psychosocial support services in comparison to 'practical' services such as vocational training and monetary support. Many also reported that there is stigma associated with emotional distress, with many

children saying they would be 'ashamed' to ask for help. Despite this, 17-year-old Yasmine reports the importance of the psychological care she received, noting: *"society's perception varies between rejecting psychological support and considering those that seek it as insane. But everyone needs treatment and psychological support, just like any other service."*

The stigma attached to seeking help, coupled with a heightened sense of alienation leads some children to reject support, even when it is available. **Almost half of the children we consulted believe that seeking psychosocial support makes them appear weak in front of others.** 17-year-old Kamal admitted to feeling isolated and 'depressed' yet was still reluctant to accept psychosocial support: *"I don't need help and support. I make my own decisions without consulting anyone. I do what I want without referring to anyone."*

## Looking to the future

**"All we need is moral support and encouragement. We need to know that someone out there cares about us and can guide us on what services are available. We have the right to continue our education or to work in whatever field we choose. Not every ex-detainee needs to work in construction."**

**Ameer, detained when he was 17 years old**

The horrific experiences that many children experience in detention have not dimmed their hope for the future and their determination to have a productive and fulfilling life:

- **96% strongly care about their future**
- **95% are determined to make the right decisions in their life**
- **96% still feel joy and a sense of accomplishment when they succeed in school or work**

Given the right support, most of the children we consulted, their parents, and psychological experts are confident that they can replace negative coping mechanisms with positive ones – and start the journey to dealing with the severe emotional distress they have experienced.

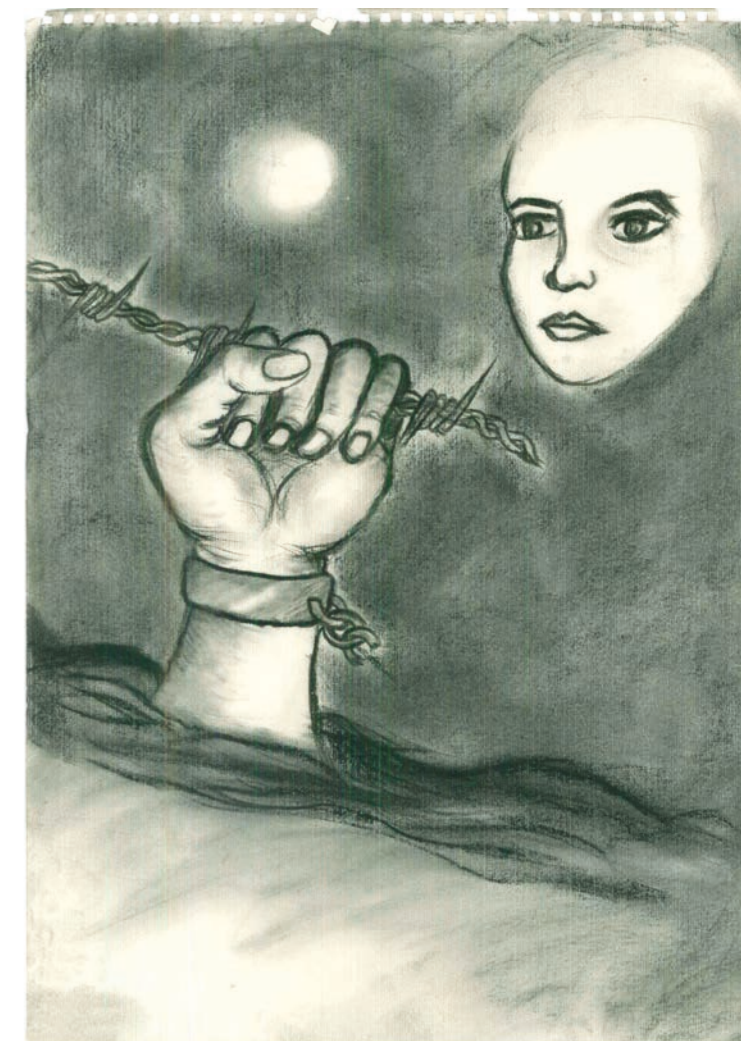
<sup>81</sup> UN Financial Tracking Service, see <https://fts.unocha.org/appeals/832/summary>

# Save the Children's response

Save the Children has long-standing operations and programming in the occupied Palestinian territory. We have been working for children's rights and responding to the protracted protection crisis in the oPt since 1953.

Save the Children, together with partners such as DCI-P, helps children who have been detained by providing the following support:

- Legal representation for children who remain in detention
- Psychosocial support to children through individual and group counselling sessions
- Specialised trauma care including cognitive behavioural therapy (CBT), psychodynamic trauma interventions, eye movement desensitisation and reprocessing (EMDR) therapy, and expressive art therapy
- Strengthening referral pathways to more specialised mental health care and psychiatric support for those who need it
- Psychosocial support to children's parents and families through home visits
- Catch-up classes to help children return to school
- Vocational training to help children find employment opportunities
- Reintegration and rehabilitation support, including working with families, schools, and communities
- Strengthening the monitoring and reporting of child arrest and detention
- Working with relevant line ministries and Civil Society Organisations in order to improve the national child protection system for the reintegration of former detainees.



**This vital work, which helps child detainees access legal support, recover emotionally from their experiences and get back in the classroom is only possible thanks to the generous support of many donors.** Particular thanks are due to the Italian Agency for Development and Cooperation, and the European Union.

# Recommendations for action

## A long-standing human rights concern

It is worth noting that the abuse, ill-treatment and rights' violations that children outlined for this report are not 'new' insights. Instead, their valuable testimonies re-affirm and support the wealth of evidence that has been collected for many years, much of which is referenced in this report. They also highlight the severe and foreseeable consequences for children of Israel's failure to implement necessary human rights and due process protections.

Many of the recommendations set out in this report have also been published by a range of organisations including UNICEF,<sup>82</sup> Lawyers for Palestinian Human Rights,<sup>83</sup> DCI-P,<sup>84</sup> B'Tselem,<sup>85</sup> and Save the Children,<sup>86</sup> before. The Government of Israel has failed to implement these recommendations. For example, in 2013, UNICEF made 38 recommendations for action. Military Court Watch estimates that 1 out of 38 recommendations has been substantially implemented – this gives an implementation rate of just 2.6%.<sup>87</sup>

**The military arrest and detention of Palestinian children is a major and long-standing human rights concern.** Children should no longer be prosecuted in military courts. Only when these changes have been made, can we prevent irrevocable damage being inflicted on generations of Palestinian children.

**Save the Children believes that no child should be prosecuted in a military court, or any court that lacks comprehensive fair trial rights and juvenile justice standards. Save the Children is calling on the Government of Israel to respect international law and to end the detention of children under military law and their prosecution in military courts.**

In the interests of taking immediate action to improve the protection of children currently under military detention, Save the Children is calling on all duty bearers in the oPt to take concrete and immediate steps to proactively protect Palestinian children in line with their obligations under international law, end the systemic ill-treatment of Palestinian children in the detention system, and help girls and boys to recover from their experiences.

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

- Ensure that children are detained only as a measure of last resort and for the shortest time possible, in line with their obligation outlined in the UNCRC. The Government of Israel should develop and implement procedures and programmes for children that constitute viable alternatives to custody. The practice of using administrative detention orders against children must stop immediately, and the prohibition must be enshrined in law.
- Review every child's detention at least every two weeks, to ensure that detention is used only as a measure of last resort and for the shortest time possible; that the child is not being subjected to any form of ill treatment; and that the child is being granted access to essential services.

- Immediately end the practices of night-time arrest, detention on school premises, the use of painful restraints, and blindfolding or hooding of children. The use of single plastic hand ties should be prohibited in all circumstances, and this prohibition must be effectively monitored and enforced. At the time of their arrest, all children should be informed, in their own language, of the reasons for their arrest and their right to silence and legal assistance. Children's parents or guardians should immediately be informed of their child's arrest and where he or she will be taken.
- Ensure children are safe from physical, psychological, and sexual abuse, as well as threats of violence to themselves or others. Children must not be exposed to intimidation, threats, or any other cruel or degrading treatment during their interrogation. A legal requirement that all interrogations of children be audio-visually recorded should be introduced.
- Ensure that children have timely access to an independent lawyer of their choice, as well as a parent or guardian, prior to and during interrogations. Any incriminatory evidence that is obtained where a child was not properly and effectively informed of their rights must be excluded. Any evidence gathered in a coercive environment, including the use of physical force, intimidation, or threats, or in the absence of a lawyer/parent present should not be accepted. Any confessions and statements written in a language other than their own must not have any probative value.
- Ensure that children have access to prompt, adequate and gender-appropriate medical care and child protective services at all times. Both prior to and after questioning, as well as upon transfer to another place of detention, the detained child should undergo a medical inspection by an independently qualified medical doctor.
- Make sure that children have regular contact with their families and visitation rights throughout their time in detention. This is essential for their emotional wellbeing and gives them the best chance of recovery after detention.
- Immediately stop transferring Palestinian girls and boys out of the West Bank at any stage of their arrest, interrogation, or detention, in line with Article 76 of the Fourth Geneva Convention.
- Urgently end the practice of using solitary confinement against children, whether in pre-trial detention for interrogation purposes or as a form of punishment. This prohibition must be enshrined in law.
- Make sure that children are treated with dignity at every stage of arrest and detention. Children should not be transported on the floor of vehicles, but rather seated and provided with food and water. Strip searches should be carried out only under exceptional circumstances and only as a measure of last resort. When conducted, strip searches should be done with full respect for the dignity of the child and be conducted by more than one person of the same gender as the child, in the presence of a parent or guardian.
- Provide children with appropriate education and recreational activities for the entirety of their detention. The curriculum should be age-appropriate and integrated with the Palestinian educational system to help children reintegrate after their release.
- Thoroughly and independently investigate all credible allegations of ill-treatment in accordance with international standards, bringing perpetrators promptly to justice. The Israeli authorities should establish an independent investigation into the reports of ill-treatment of children in the military detention system, in accordance with the 2002 recommendations made by the UN Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967.<sup>88</sup>
- Collaborate with international human rights and accountability mechanisms, such as the Special Representative on Children and Armed Conflict, and the Special Rapporteur on the situation of human rights in Israel/Palestine to address and prevent violations of children's rights.
- Raise the age of criminal responsibility to 14 years old, to ensure consistency with obligations under the UNCRC.<sup>89</sup>

<sup>82</sup> [https://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)

<sup>83</sup> <https://lphr.org.uk/wpcontent/uploads/2018/02/LPHR-full-briefing-on-Israels-military-detention-of-Palestinian-children-living-in-the-occupied-Palestinian-territory-Feb-2018.pdf>

<sup>84</sup> [https://www.dcpalestine.org/no\\_way\\_to\\_treat\\_a\\_child\\_palestinian\\_children\\_in\\_the\\_israeli\\_military\\_detention\\_system](https://www.dcpalestine.org/no_way_to_treat_a_child_palestinian_children_in_the_israeli_military_detention_system)

<sup>85</sup> [https://www.btselem.org/publications/summaries/201803\\_minors\\_in\\_jeopardy](https://www.btselem.org/publications/summaries/201803_minors_in_jeopardy)

<sup>86</sup> <https://resourcecentre.savethechildren.net/sites/default/files/documents/5720.pdf>

<sup>87</sup> [http://www.militarycourtwatch.org/files/server/MCW%20ANNUAL%20REPORT%20\(2020\)\(1\).pdf](http://www.militarycourtwatch.org/files/server/MCW%20ANNUAL%20REPORT%20(2020)(1).pdf)

<sup>88</sup> Some campaigns have already been set up, including the 'Know Your Rights' campaign that has been operating in schools since 2014, supported by Lawyers for Palestinian Rights (LPHR) and DCI-P

<sup>89</sup> UN Special Rapporteur (OPT), see [www2.ohchr.org/english/bodies/cat/docs/co/IsraelCO27.pdf](http://www2.ohchr.org/english/bodies/cat/docs/co/IsraelCO27.pdf)

**Save the Children urges the Palestinian Authority (PA) to:**

- Ensure the provision of sufficient rehabilitative and reintegration support for children who have been arrested or detained. This includes access to focussed, specialised and gender-appropriate psychosocial support. The PA should facilitate the implementation of a referral system, so that children get the care they need.
- Introduce policies and programmes to help communities understand the experience and challenges that former child prisoners face, particularly in schools, to minimise social stigma, avoid ‘heroisation’ of children who have been detained, and help children to reintegrate back into society.
- Facilitate the reintegration of former detainees in their communities and in the education system, for example by amending the practice that children are not allowed to continue the school year after a certain percentage of absent days.
- Support an awareness-raising programme to help children understand their rights at every stage of the detention process, including their right to silence, legal assistance, and education.<sup>90</sup> This should be formally integrated into the school curriculum.
- Install and improve vocational training programmes, traineeships and internships aimed at reintegrating children who have experienced detention into the labour market.

- Develop a directory that includes all community-based organisations and civil society organisations who offer services to former detainees and disseminate copies among families, communities and schools.
- Introduce measures to avoid and counter stigmatisation of girls who have experienced detention, such as discussing issues specific to girls who have been detained in relevant parts of the school curriculum, awareness raising, and other targeted approaches including collecting, monitoring, and analysing manifestations of stigma and trends of discrimination and exclusion, to support early warning and effective responses.

**Save the Children calls on third states and donors to:**

- Urge the Government of Israel to take the steps outlined above, which would improve the protection of children under military detention and prevent practices that breach the absolute prohibition against cruel, inhuman, or degrading treatment.
- Call on Israeli authorities to implement effective accountability measures to ensure all credible reports of ill-treatment are properly investigated in accordance with international standards and that perpetrators are brought to justice.
- Increase funding for child protection services that support children who are arrested or detained, including legal assistance, mental health and psychosocial support, and medical care.
- Increase support for education services to help children recover their lives after detention. This should include catch-up classes, vocational training, traineeships and internships.

**Save the Children calls on civil society organisations to:**

- Support and expand existing community-based networks and mechanisms that bolster safety and psychosocial wellbeing for children
- Promote policies and programmes that discourage discrimination of children who have been detained. These should include positive messaging about children who come into contact with the detention system and emphasise the importance of strong familial and community relationships in their recovery. These should also help former detainees to respond to the discrimination they may experience.
- Facilitate efforts by communities to destigmatise MHPSS services, including the provision of culturally sensitive information campaigns that communicate the role of mental health as an integral part of health, education and protection services.

- Make sure MHPSS interventions strengthen the relationship between children who have been detained and their communities, by giving their family and friends the skills to be able to provide a sense of safety to the child, and to deal with their emotional and behavioural changes.
- Ensure the existence of safe, gender-sensitive, age-appropriate and accessible meeting places for children and adolescents.
- Devote greater attention to the issues experienced by girls during arrest, detention and their subsequent release from detention, with a focus on issues relating to sexual and gender-based violence and sexual and reproductive rights, in order to identify and address gender-specific challenges. This should include engaging with men, boys, and local community leaders, and recognising the specific risk of harm for women and girls with disabilities.

<sup>90</sup> UN Convention on the Rights of the Child Committee on the Rights of the Child (2019), *General comment No. 24 (2019) on children’s rights in the child justice system*

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Cover image: Drawing by Farah, who was detained as a child, depicting his experience of detention.



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