

Fact Sheet—Resolution: No Way to Treat a Child Protecting the Human Rights of Palestinian Children Living Under Israeli Military Occupation

ELCA PEACE NOT WALLS INITIATIVE

Since 2005, when the ELCA adopted “Peace Not Walls: Stand for Justice in the Holy Land,” Lutherans have focused on Awareness Building, Accompaniment and Advocacy, seeking “peace with justice for both Palestinians and Israelis and the continuation of the Christian witness in the Holy Land.” The ELCA has established a relationship with Lutheran congregations in the Bethlehem area, Ramallah, and Jerusalem (Evangelical Lutheran Church in Jordan and the Holy Land, ELCJHL).



Watch interviews with the children

TWO SEPARATE ISRAELI LEGAL SYSTEMS

Israel operates two separate legal systems in the Palestinian Territories. Since 1967, when Israeli forces occupied the West Bank and the Gaza Strip, military law is applied to Palestinians in the West Bank. Jewish settlers, however, who reside within the bounds of the occupied West Bank (in violation of international law) are subject to the Israeli civilian legal framework. Israel systematically prosecutes children in military courts that lack internationally recognized fair trial rights and protections—for example, children are routinely interrogated without the presence of a parent or legal counsel.

CHILDREN’S EXPERIENCE OF DETENTION AND PROSECUTION

Palestinian children detained in the Israeli military detention system commonly report being arrested in the middle of the night. They typically arrive to interrogation bound, blindfolded, frightened, and sleep deprived. They often give confessions after verbal abuse, threats, and physical and psychological violence that in some cases amounts to torture. Israeli military law provides no right to legal counsel during interrogation; 96% of children have no parents present during interrogation. Children in Israeli detention have experienced cruel, inhumane and degrading treatment. They are placed in stress positions; they have endured hooding, death threats, coerced confessions, and denial of parental presence or legal counsel during interrogations. **Watch “Detaining Dreams”** <https://www.youtube.com/watch?v=7rw69pLILqw>

On October 3, 1991, Israel ratified the Convention on the Rights of the Child, which states—in article 37(a), that “no child shall be subject to torture or other cruel, inhumane or degrading treatment or punishment.”

U.S. FOREIGN AID TO ISRAEL

The United States provides more than \$3.8 billion dollars a year in foreign aid to Israel, primarily military aid.

LEGISLATION IN THE U.S. CONGRESS—H.R. 4391

H.R. 4391 has been introduced in the current (155th) session of Congress by Rep. Betty McCollum (MN), which will require the Secretary of State to certify that United States funds do not support military detention, interrogation, abuse, or ill-treatment of Palestinian children in violation of international law. H.R. 4391 calls for certification that existing U.S. law is not being violated in Israel’s use of U.S. foreign assistance. This bill will encourage the State of Israel to

- guarantee basic due process rights in the Israeli military court system
- respect and ensure the absolute prohibition against torture and ill-treatment in accordance with international law
- abide by international juvenile justice standards, specifically the UN Convention on the Rights of the Child

Because of our Lutheran connection with the ELCJHL, it is important for us to learn more about the lives of Palestinian children—especially the treatment of Palestinian children in the Israeli military courts.

Sources:

- Defense for Children International Palestine: https://d3n8a8pro7vhmx.cloudfront.net/dcipalestine/pages/1527/attachments/original/1460665378/DCIP_NWTTAC_Report_Final_April_2016.pdf?1460665378
- *Children in Israeli Military Detention* (UNICEF report, February 2015): https://www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf
- B’Tselem Israeli Information Center for Human Rights: “Unprotected: Detention of Palestinian Teenagers in East Jerusalem” https://www.btselem.org/publications/summaries/201710_unprotected
- Defense for Children International-Palestine: http://www.dci-palestine.org/children_in_israeli_detention and http://www.dci-palestine.org/year_in_review_worst_abuses_against_palestinian_children_in_2017
- “Detaining Dreams” – interviews with the children: <https://www.youtube.com/watch?v=7rw69pLILqw> – 3.5 min. version of video: <https://youtu.be/g8RhyAqTS5I>



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Call on your representative to support Palestinian children in Israeli military detention at the [ELCA Action Center](#).

On Nov. 14, 2017, Rep. Betty McCollum (D-MN) introduced a [bill](#) to prevent U.S. tax dollars from being used by the Israeli military to detain Palestinian children .

The Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act ([H.R. 4391](#)) would require the secretary of state to certify annually that no funds obligated or expended in the previous year by the United States for assistance to Israel have been used to support prohibited practices under international law. If the secretary cannot make this certification, a detailed report would be required outlining the amount of money spent in violation of the bill and how it was spent.

In the 1967 war, Israel occupied the Palestinian lands of the West Bank and Gaza and has since implemented a two-tiered legal system in these territories: civil law for Israeli settlers (whose settlements are illegal according to international law) and military law for Palestinians, denying them their basic and fundamental rights. Palestinian children and youth are, therefore, subject to military arrest and prosecution by Israel, the only country that systematically does so. Between 500 and 700 cases are prosecuted annually in military courts. It has been documented by numerous human rights organizations that Palestinian children are subject to physical and verbal abuse, strip searches, solitary confinement, coerced confessions, and separation from their parents and legal counsel, all of which are violations of international humanitarian law.

In this season of Advent, now is the time to act! As a minimum safeguard, while Palestinian children living under Israeli military occupation continue to be arrested and prosecuted within the Israeli military court system, Israeli authorities must respect and ensure basic due process rights and the absolute prohibition against torture and ill-treatment. From the moment of arrest, operations and procedures must be carried out in accordance with international juvenile justice standards, specifically the U.N. Convention on the Rights of the Child.

Stand up for Palestinian children's human rights. Ask your representative to support this bill at the [ELCA Action Center](#).

For more information, see the [No Way to Treat a Child](#) campaign.