



LPHR and Save the Children: Landmark call for an immediate moratorium on the arrest, detention and prosecution of Palestinian children by Israel's military authorities

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Lawyers for Palestinian Human Rights (LPHR) and Save the Children are today jointly issuing a landmark new call to the Government of Israel as an imperative response to an urgent and enduring child protection crisis:

An immediate moratorium must be placed on Israeli military authorities arresting, detaining and prosecuting Palestinian children until comprehensive reforms have been made to address alarming findings of physical, sexual and emotional abuse. For example, Israel should swiftly implement all 38 recommendations made by UNICEF in its 2013 report, and permit regular monitoring of its implementation by appropriate independent experts. This is a child protection crisis that can no longer be ignored.

2023 is the ten-year anniversary of the publication of the landmark [UNICEF report](#) that found: "*the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process, from the moment of arrest until the child's prosecution and eventual conviction and sentencing.*"

Ten years on, the evidence is overwhelming that Israel's authorities are unwilling to fundamentally reform its military detention system in line with the 38 recommendations of the 2013 UNICEF report. **Many of the key unimplemented recommendations serve a dual purpose of providing human rights and child protection safeguards.** [Based on testimonies collected by Military Court Watch since the publication of the report](#), 97 percent of UNICEF's recommendations remain substantially unimplemented. This critical failure, with the full awareness of the international community, has had the principal effect of ensuring the endemic perpetuation of real harm to the hundreds of Palestinian children whom each year are held under Israeli military custody.

Save the Children's report entitled, [Defenceless](#), published in November 2020, provides clear and compelling evidence of this severe consequence nearly a decade on following the publication of the UNICEF report. Children showed high rates of anxiety, depression, behavioural changes, eating and sleeping disorders, and experienced physical symptoms such as chest pains, exhaustion and numbness. Detention also diminished children's ability to return to their normal lives, maintain relationships with their families and friends, complete their education, and feel secure in their communities.

Save the Children's updated report entitled, [Injustice](#), which LPHR has closely collaborated on and is being published today, highlights testimonies and data obtained this year by Save the Children confirming the persisting widespread and institutionalised harm against Palestinian children held within Israel's military custodial system. **The key findings from the children consulted are extremely alarming:**

- During arrest, 42% of children suffered injuries, including gunshot wounds and broken bones. A range of other injuries were reported, from shoulder dislocation, to bruising, to suffocation.
- 65% of children were arrested during the night, mostly between midnight and dawn.
- The majority of children experienced appalling levels of physical and emotional abuse, including being beaten (86%), being threatened with harm (70%), and hit with sticks or guns (60%).



- Some children reported sexual violence and abuse, including being hit or touched on the genitals and 69% reported being strip searched during interrogation.
- 60% of children experienced solitary confinement with the length of time varying from one day to as long as 48 days.
- Throughout the different stages of arrest and detention, 92% of children reported being blindfolded and 93% reported being handcuffed (80% of them were cuffed using a single plastic tie).
- Children were denied adequate food or healthcare: 70% said they suffered from hunger and 68% said they didn't receive any healthcare.
- 58% of children were denied visits or communication with their family while detained.
- Children reported high levels of emotional distress during the transfer to court or between detention centres, on a packed transfer bus, with their hands and feet cuffed, and no access to food, water or a toilet for 12 hours or more. Some described being put in small boxes or cages.
- The enormous toll on children, including on their mental health and emotional wellbeing, continued to present after children were released. 73% of children reported suffering from insomnia or having difficulty sleeping, 53% had nightmares, 62% frequently felt angry and 48% felt like they always needed to be alone.

This constitutes an enduring child protection crisis and a major human rights problem; with severe real-life repercussions for detained Palestinian children. The reporting of sexual violence against children is distinctly alarming. It is imperative that this ongoing harm and abuse towards children is stopped.

UK Government's approach to this critical child protection issue over the last decade

LPHR is grateful that the UK has expressly prioritised the critical issue of the military detention of Palestinian children by Israeli authorities. We recognise it has undertaken several initiatives to attempt to address it.

This includes funding an expert delegation of senior UK lawyers to independently report on this issue in 2011/12; an offer made to Israeli authorities in 2017 for the Metropolitan Police to share expertise with Israeli counterparts on implementing regulations designed to protect the rights of minors in detention; and specific child rights recommendations made to Israel in January 2018 during its Universal Periodic Review at the UN Human Rights Council. Alongside these initiatives, the UK has repeatedly stated its concern about continued reports of ill-treatment of Palestinian children in Israeli military detention.

We are deeply concerned, however, that these good faith initiatives and expressions of concern have not been met with effective reforms instituted by Israeli authorities to properly safeguard Palestinian children from severe physical and psychological harm during the military arrest and detention process. A fundamental step-change in approach is imperative to end the harm and abuse of detained Palestinian children.



Six-point recommendation for urgent adoption and implementation by the UK Government on the critical issue of Israel's military detention of Palestinian children:

- The UK Government must expressly recognise that the endemic harm caused to Palestinian children by Israel's military detention system constitutes both a major human rights problem and an enduring child protection crisis. The UK Government must also expressly recognise the abundant evidence that Israel's authorities are unwilling to fundamentally reform its military detention system ten years on from UNICEF's landmark report.
- In accordance with such recognition and the imperative that this ongoing harm and abuse to children is stopped, the UK Government should urgently consider adopting LPHR and Save the Children's call for an **immediate moratorium on Israeli military authorities arresting, detaining and prosecuting Palestinian children until comprehensive reforms have been made to address alarming findings of physical, sexual and emotional abuse. For example, Israel should swiftly implement all 38 recommendations made by UNICEF in its 2013 report, and permit regular monitoring of its implementation by appropriate independent experts.**
- The UK Government should embed UNICEF's conclusion in its 2013 report as its official starting policy position on the issue of Israel's military detention of Palestinian children: *"the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalised throughout the process."* This should be reflected in public UK Government statements and language on this issue, and also in bilateral engagement with the Government of Israel.
- The UK Government should expressly adopt the principled position, in full conformity with international law, that the use of a military court system for the trial of children should end, [as repeatedly affirmed by the UN Working Group on Arbitrary Detention](#).
- Due to the ongoing military occupation which constitutes a form of armed conflict, the reporting of sexual abuse in Save the Children's report published today could also constitute a form of conflict-related sexual violence. **LPHR and Save the Children calls for further immediate investigations into any abuse of children within the military detention system, including emotional, physical and sexual abuse, and whether this constitutes conflict-related sexual violence. LPHR urges the UK Government to take proactive and urgent steps to facilitate or encourage such an investigation.**
- The findings of Save the Children's research published today are extremely concerning and warrant investigation to determine whether the ill-treatment reported by children meets the threshold for torture and other cruel, inhuman or degrading treatment or punishment. **LPHR and Save the Children urges those with the requisite skills and mandate to launch an investigation in accordance with international standards as a matter of urgency. LPHR urges the UK Government to support and assist this call.**



Conclusion

There is an inextricable link between the systemic human rights violations of Palestinian children held in military detention and the overarching context of prolonged military occupation. The realisation of the right to self-determination for the Palestinian people is the optimal solution for the full removal of “widespread, systematic and institutionalised” violations against Palestinian children held in Israeli military detention.

However, with no end in sight to Israel's military occupation, there is a vitally important and urgent need in the interim to fundamentally reform Israeli authorities systemic maltreatment of Palestinian child detainees so that it effectively protects children's basic human rights, meets international legal requirements, and ends an enduring child protection crisis. **It is our considered assessment that nothing less than accepting the six-point recommendation above, including at its heart an immediate moratorium on the arrest, detention and prosecution of Palestinian children by Israel's military authorities, can suffice to urgently protect detained Palestinian children from severe ongoing harm.**

Further LPHR reading:

For a legal and human rights analysis, please read [LPHR's briefing on Israel's military detention of Palestinian children living in the occupied Palestinian territory](#)

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About us:

[LPHR](#) is a lawyer-based legal charity (Charity No. 1175498) in the UK that works on projects to protect and promote Palestinian human rights. For our briefings we provide accessible expert legal and human rights analysis on issues affecting Palestinians. Our trustees include leading human rights lawyers, Sir Geoffrey Bindman KC, Fiona McKay, Tessa Gregory, Nusrat Uddin and the recent (2016-22) UN Special Rapporteur on the human rights situation in the occupied Palestinian territory, Professor Michael Lynk.