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Committee on Social Affairs, Health and Sustainable Development

UNICEF Statement

**Hearing on “Detention of Palestinian minors in Israeli prisons”
organized by the Council of Europe Parliamentary Assembly’s
Committee on Social Affairs, Health and Sustainable Development**

Strasbourg, 25 April 2017

UNICEF globally aims to improve access to justice for children by building protective environments for children, strengthening child protection systems and supporting social change. Guided by the UN Convention on the Rights of the Child, UNICEF aims to reduce the recourse to deprivation of liberty, and to protect children from violence, abuse and exploitation.

In the State of Palestine and Israel, repeated rounds of hostilities and other recurring violence have taken a devastating toll on both Palestinian and Israeli children. Hundreds of children have been killed, thousands have been injured, and many more have suffered psychological shock. In 2015, the United Nations verified that 30 Palestinian children were killed; 1,735 Palestinian children and 13 Israeli children were injured.¹ In the West Bank, including in East Jerusalem, children often face harassment, intimidation and violence from Israeli settlers and security personnel, including at checkpoints they have to cross on a daily basis on their way to and from school. Palestinian children experience shock and a sense of helplessness as they witness their own homes’ demolished in East Jerusalem, which often leads to displacement.

Israeli children are also directly affected by the violence. They have suffered distress when mortars and rockets were indiscriminately fired from the Gaza Strip towards Israel. Over the years, these attacks have killed and injured civilians, including children.

In recent years, Palestinian and Israeli children have also taken part in violence,² and Palestinian children have increasingly been caught up in violent clashes with Israeli security forces, most notably in a wave of violence that reached its apex in the closing months of 2015.

In addition, Palestinian children and their families continue to face difficulties accessing basic services such as safe drinking water and adequate sanitation; quality education; protection services; and health care.

Arrest and detention of children

As part of its child rights mandate, UNICEF monitors also the arrest and detention of Palestinian children in Israeli detention. Together with its partners, UNICEF collects affidavits (sworn testimonies) from hundreds of Palestinian children each year to assess how they were treated in Israeli detention. Based on such affidavits, and as noted in UNICEF’s March 2013 report on children in military detention and subsequent updates published in October 2013 and in February 2015, UNICEF is concerned by reports that Palestinian children

¹ The Secretary General Children and Armed Conflict Report, June 2016

² In the most severe cases, Palestinian minors have been accused of killing or attempting to kill Israeli citizens in the West Bank and Jerusalem and Israeli minors have been incriminated for participating in the kidnapping and murder of a Palestinian adolescent in East Jerusalem, and in the murder of a Palestinian infant and his family in the West Bank (Duma, Nablus).

regularly incur due process and ill-treatment violations when apprehended by Israeli security forces and while being held in Israeli detention facilities.

Palestinian children from other parts of the West Bank are detained pursuant to military law that Israel applies in the occupied territory. Israeli civilian law is applied to Palestinian children from East Jerusalem. The latter generally provides better safeguards for due process and against ill-treatment than is provided under military law and in proceedings before military courts in the West Bank. That being said, UNICEF is concerned about prohibitive amendments to Israeli civilian law that appear to have been tailored for children in East Jerusalem and which threaten to erode the protections given to children allegedly involved in violence (e.g. by the imposition of harsher penalties for stone-throwing).

Palestinian children have been placed in administrative detention, i.e. without charges and for a prolonged period of time, a practice that had not been used for years. Children are sometimes placed under house arrest, particularly in East Jerusalem, requiring constant parental supervision and without access to education or support.

Advocacy and dialogue for children's rights

UNICEF continues to pursue efforts to engage in open and constructive dialogue with the Israeli authorities and the Palestinian Authority on these issues. As a result of previous dialogue, the Israeli authorities introduced a pilot to replace night arrests of children with a summons procedure. The pilot started in February 2014; 32 instances of summoning of children were documented. However, the pilot was not implemented consistently and while in some cases there were improvements in relation to the arrest phase, it has not resulted in a notable reduction in the occurrence of night arrests, and violations during the hand-over, interrogation, and trial phases are still regularly reported.

Programme response and the way forward

UNICEF supports services to mitigate the impact of the conflict on children. This includes legal aid and psychosocial support to children and their families; engagement with Israeli and Palestinian authorities in view of policy change and concrete progress for children; support to quality education and adolescent initiatives; a 'protective accompaniment and presence' for children on their way to and from school; strengthened child protection and prevention services for children and their families. UNICEF advocates that justice for children should not be punitive but rehabilitative. It should focus on restorative justice, alternatives to imprisonment, and diversion from the criminal justice system.

The Council of Europe Parliamentary Assembly, its member States and other Council of Europe bodies can make a difference by continuing to advocate for concrete and specific changes in Israeli and Palestinian policies and practices to ensure that Palestinian and Israeli children are better protected. Renewed financial support is needed to help support the organizations working to support children.

We must not lose sight of the fact that today's children are tomorrow's leaders. Children need our support right now to grow up in a safe and protective environment. We see the potential of these children every day. We must not fail them.

- [Link to the UNICEF video](#)