



DEBATE PACK

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Military detention of Palestinian children by Israeli authorities

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1. Background

Israel has ratified the UN Convention on the Rights of the Child and the Optional Protocol on children and armed conflict, but has been slow to incorporate the principles and provisions of the Convention into its domestic legal system.

In June 2012 a delegation of nine UK lawyers published an FCO-funded, independent report, [Children in Military Custody](#), on the plight of Palestinian children arrested and detained by Israel. It found that Israel's treatment of Palestinian child prisoners was in breach of:

1. Article 76 of the 4th Geneva Convention on the Protection of Civilian Persons in Time of War (concerning occupied territories), and
2. Several Articles of the UN Convention on the Rights of the Child

The report made 43 core and specific recommendations and the UK Government promised to take up the issues with the Israeli Government.

A planned follow-up visit in 2016 by the lawyers who authored the report [was cancelled](#) after the Israeli authorities decided not to facilitate contact between Israeli experts and the lawyers. According to the British Embassy in Tel Aviv, Israel have only substantially implemented one recommendation from the report: the separation of children from adults in custody.¹

In 2013 Israel submitted a periodic report to the UN Committee on the Rights of the Child, which monitors implementation of the Convention, to which the Committee [responded](#) in June 2013. It regretted Israel's "persistent refusal to provide information and data and to respond to the Committee's written questions on children living in the Occupied Palestinian Territory ..., including East Jerusalem and the Occupied Syrian Golan Heights". The Committee noted Israel's follow-up measures and some progress, and took into account its national security concerns, but emphasised:

... that the illegal long-lasting occupation of Palestinian territory and the Syrian Golan Heights, the continued expansion of unlawful settlements and construction of the Wall into the West Bank as well as land confiscation, destruction of houses and livelihood of Palestinians constitute severe and continuous violations of the rights of Palestinian children and their families, feed the cycle of humiliation and violence and jeopardize a peaceful and stable future for all children of the region.

Israel's next periodic report to the UN Committee is due by 2 November 2018.

¹ This information was contained in correspondence from the Embassy to the FCO which was obtained via a [Freedom of Information request](#) in August 2017.

The Israeli government doesn't routinely comment on news stories and reports on this issue. However, the Jerusalem Post in an April 2017 article explains that "the country's arguments are generally that these efforts on behalf of the minors fail to take into account the context of their detention." Israeli diplomats told The Post that "minors are not innocent by virtue of simply being minors," that neither the dangerous nature of rock-throwing nor the murderous intent of some Palestinian minors should be downplayed and that rock throwing has caused numerous deaths.²

B'Tselem, an Israeli human rights organisation, collates figures on Palestinian minors detained by Israel, which are provided by the Israeli police and Israeli Prison Service (IPS). The most recent figures from the end of November 2017 show that 313 Palestinian minors were held in Israeli prisons as security detainees and prisoners, including 2 administrative detainees³. Another 9 Palestinian minors were held in Israel Prison Service facilities for being in Israel illegally.

² ['Exclusive: UK Singles Out Israel In Effort To 'Protect' Palestinian Minors'](#), The Jerusalem Post, 24 April 2017.

³ B'Tselem use a snapshot- i.e. a figure on a given day, in this case the last day of the month, so these are not cumulative figures. These figures do not include children detained by the military and held for short periods (generally less than 24 hours) without entering an IPS facility.

2. Press Articles

The following is a selection of news and media articles relevant to this debate.

Please note: the Library is not responsible for either the views or accuracy of external content.

Israeli judge denies bail to Palestinian teenager Ahed Tamimi

The Guardian
17 January 2018

Detained, Arrested and Harassed: The Life of Palestinian Teens in East Jerusalem

Haaretz
Dina Kraft
11 January 2018

Israeli arrests of Palestinian children rise after Trump's Jerusalem announcement

Al Monitor
Tessa Fox
2 January 2018

Palestinian 16-year-old Ahed Tamimi is the latest child victim of Israel's occupation

The Guardian
Harriet Sherwood
2 January 2018

Israeli military arrests Palestinian girl filmed slapping soldier

Daily Telegraph
19 December 2017

Gary Lineker criticised for sharing video of Israeli soldiers arresting Palestinian children

The Independent
Bethan McKernan
13 December 2017

Palestinian children's rights focus of new US bill

Al Jazeera
Patrick Strickland
14 November 2017

Will court rule that penalizing parents for children's rock-throwing is legal?

Jerusalem Post
Yonah Jeremy bob
25 September 2017

Report: Terror Attacks by Palestinian Children on the Rise, Despite U.N. Coverup

Washington Free Beacon

Adam Kredo

2 August 2017

UK singles out Israel in effort to 'protect' Palestinian minors

Jerusalem Post

Herb Keinon

24 April 2017

6 Palestinians Arrested After Caught on Tape Throwing Stones at Israeli Police Jeep

Haaretz

Yotam Berger

24 April 2017

3. PQs

Turkey: Human Rights

29 Jan 2018 | 788 c1273

Asked by: Baroness Tonge

My Lords, the Minister speaks very proudly of this Government's defence of human rights, but when will they start to defend the human rights of Palestinians, particularly Palestinian children?

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

I know that the noble Baroness has been a very strong campaigner on this issue, and she knows for a fact that the United Kingdom has been, and continues to be, very vocal on it. We have a very strong relationship with Israel which allows us to have candid conversations in which we stand up for the rights of the Palestinian people and of the children held in detention in Israel. I reiterate that the United Kingdom believes that the long-term solution to the crisis in the Holy Land and the Middle East that is ripping apart communities at times is a two-state solution, and the United Kingdom stands by that.

Israel: Palestinians

29 Jan 2018 | HL4778

Asked by: Baroness Tonge

To ask Her Majesty's Government what action, if any, they are taking through their international partners to protect Palestinian children in the Occupied Territories from being killed, injured or imprisoned by Israeli forces.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

The issue of children in military detention remains a human rights priority for the UK. British Embassy officials in Tel Aviv most recently raised the issue with the Israeli authorities on 16 January, and senior British Government officials raised this issue with the Israeli Ambassador to the UK on 8 January. The Minister for the Middle East raised our concerns with the Israeli Government during his visit to Israel in August 2017. We have recently raised this as part of the UN Human Rights Council's Universal Periodic Review into Israel.

We recognise that in some circumstances the Israelis have a legitimate need to deploy security measures to address instances of violence. We encourage that such measures are deployed in a way which minimises tension and using only appropriate force. When there have been accusations of excessive use of force, we advocate swift and transparent investigations.

Israel: Palestinians

29 Jan 2018 | HL4716

Asked by: Baroness Tonge

To ask Her Majesty's Government what representations they are making to the government of Israel following reports of the multiple shooting of a three-year-old Palestinian with live bullets during an Israeli military training session in the West Bank city of Tubas.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

There are a number of conflicting reports on this incident. It is not clear who is responsible for the shooting. Our Embassy in Tel Aviv engaged a number of independent human rights non-governmental organisations to seek further details, and was advised that there was no evidence that the Israeli Defense Forces were involved in this incident. As such, we have not raised this issue with the Israeli authorities.

Palestinians: Children

25 Jan 2018 | 123374

Asked by: Gavin Shaker

To ask the Secretary of State for Foreign and Commonwealth Affairs, what representations he has made to his Israeli counterparts on the detention of Palestinian children.

Answering member: Alistair Burt | Foreign and Commonwealth Office

The issue of children in Israeli military detention remains a human rights priority for the UK. Our Embassy officials in Tel Aviv most recently raised the issue with the Israeli authorities on 16 January, and senior British Government officials raised this issue with the Israeli Ambassador to the UK on 8 January. I raised our concerns on this issue with the Israeli Government during my visit to Israel in August 2017

Israel: Palestinians

23 Jan 2018 | HL4574

Asked by: Baroness Tonge

To ask Her Majesty's Government what representations they are making to the government of Israel concerning reports that Israeli and Palestinian children are being treated differently by the Israeli criminal justice system.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

We regularly raise concerns about the treatment of Palestinian minors in detention. In December 2017, our Ambassador to Tel Aviv raised with the Israeli Justice Minister the issue of Palestinian children in detention. The Minister for the Middle East most recently raised our concerns with the Israeli authorities during his visit to Israel in August 2017.

Israel: Palestinians

22 Jan 2018 | HL4514

Asked by: Baroness Tonge

To ask Her Majesty's Government what representations they are making to the government of Israel following reports of the death of a Palestinian child on 29 December 2017 after Israeli soldiers at Huwwara checkpoint delayed her transfer to hospital.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

While we have not raised this specific issue with the Israeli authorities, we continue to lobby on the issue of movement and access in the Occupied Palestinian Territories. The UK has consistently called on the Israeli Government to ease restrictions that reduce access to medical care for Palestinians.

Israel: Detainees

17 Jan 2018 | 121430

Asked by: Sarah Champion

To ask the Secretary of State for Foreign and Commonwealth Affairs, whether he plans to make representations to the Government of Israel on the military detention of human rights defenders, Ahed Tamimi, and her mother, Nariman Tamimi.

Answering member: Alistair Burt | Foreign and Commonwealth Office

The Foreign and Commonwealth Office raised Ahed Tamimi's case with the Israeli Ambassador to London on 8 January. On 2 January, officials from our Embassy in Tel Aviv raised this case with the Israeli authorities, noting the British Government's long-standing concerns about the treatment of Palestinian minors in Israeli military detention. We are also aware of the arrest of Nariman Tamimi on charges of inciting violence, and will seek further details from the appropriate Israeli authorities.

Ahed Tamimi

11 Jan 2018 | 120753

Asked by: Grahame Morris

To ask the Secretary of State for Foreign and Commonwealth Affairs, if his Department will make any representations to its Israeli counterpart on the arrest of Ahed Tamimi.

Answering member: Alistair Burt | Foreign and Commonwealth Office

On 2 January officials from our Embassy in Tel Aviv raised Ahed Tamimi's case with the Israeli authorities, noting the negative attention that the case was generating and the UK's long-standing concerns about the treatment of Palestinian minors in Israeli military detention.

Topical Questions**09 Jan 2018 | 634 c171****Asked by: Alex Cunningham**

When he was Foreign Secretary, William Hague described the UN Human Rights Council's universal periodic review as "a valuable mechanism for holding countries accountable for their human rights record."—[Official Report, 15 April 2013; Vol. 561, c. 15WS.] Does the Foreign Secretary agree that the UN periodic review meeting on 23 January provides an opportunity to hold Israel to account for its treatment of Palestinian children held in Israeli military custody, and will he use the meeting to do so?

Answered by: Alistair Burt | Foreign and Commonwealth Office

The council will indeed be used by the United Kingdom to offer a statement in relation to Israel, and the issues raised by the hon. Member for Stockton North (Alex Cunningham) are covered in a number of different ways in our representations to Israel.

Palestinian Communities**09 Jan 2018 | 634 c167****Asked by: Julie Elliott**

Does the Minister share my outrage at the continued detention of 16-year-old Ahed Tamimi in Israel, in violation of article 76 of the fourth Geneva convention, and will he raise this issue, and our concerns about it, with the Israeli Government?

Answering member: Alistair Burt | Foreign and Commonwealth Office

I know both the Tamimi family and Nabi Saleh, and it is a very unhappy incident all round. The truth is that the soldiers should not be there and the young woman should not have needed to do what she did. It is sad that two young people who ought to be friends are caught up in a situation in which, because of the failure to deal comprehensively with what is happening on the west bank and in Israel, we cannot come to a settlement. We have indeed made representations. It is important that Israel follows through the law, as it is entitled to do, but when we see the whole incident on video it tells us that this should not be happening and we should be working hard to get a settlement to this issue so these young people do not have to continue to do what they are doing.

Palestinian Communities**09 Jan 2018 | 634 cc166-7****Asked by: Julie Elliott**

What recent discussions he has had with the Israeli Government on the military detention of Palestinian children.

Answering member: Alistair Burt | Foreign and Commonwealth Office

We remain seriously concerned about the continuing demolition of Palestinian property by Israeli authorities, and our embassy in Tel Aviv

raised our specific concerns about it with Israel in November last year. Israel's treatment of vulnerable Palestinian minors held in military detention also remains a human rights priority for the UK. I raised our concerns with the Israeli authorities during my visit to Israel in August last year, and will continue to do so.

Israel: Palestinians

04 Jan 2018 | HL4330

Asked by: Baroness Tonge

To ask Her Majesty's Government what representations they are making to the government of Israel concerning the reported arrest and abuse of Palestinian minors in relation to unidentified charges.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

The UK has strong concerns about continued reports of mistreatment of Palestinian minors in Israeli military detention, notably the use of painful restraints and insufficient notification of legal rights. Our Ambassador to Israel raised concerns about this issue with Minister of Justice Shaked on 7 December. The Minister for the Middle East (Alistair Burt) also raised our concerns with the Israeli authorities during his visit to Israel in August 2017. We continue to regularly raise this issue with the Israeli authorities, and to press them to secure improvements to the practices surrounding the military detention of minors.

Israel: Palestinians

11 Dec 2017 | HL3640

Asked by: Baroness Tonge

To ask Her Majesty's Government what representations they are making to the government of Israel regarding reports of the detention of a nine year old boy during raids in the occupied West Bank in November.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

While we have not raised this specific issue with the Israeli authorities, the UK continues to have strong concerns about continued reports of ill-treatment of Palestinian minors in Israeli military detention, notably the use of painful restraints and insufficient notification of legal rights. Our Ambassador to Israel raised concerns with Israeli Attorney-General Mandelblit on 3 October, and the Minister for the Middle East Alistair Burt also raised our concerns with the Israeli authorities during his visit to Israel in August 2017.

We will continue regularly to raise this issue with the Israeli authorities, and to press them to secure necessary improvements to the practices surrounding the military detention of minors. We will also continue to work closely with our European partners in country.

Israel: Palestinians**06 Dec 2017 | HL3524****Asked by: Lord Judd**

To ask Her Majesty's Government what was the date of their most recent representations to the government of Israel about the treatment of Palestinian children arrested by the army of Israel, including representations about the practice of blindfolding; by whom, and to whom, those representations were made; what was the response; and what further action they will take (1) bilaterally, and (2) multilaterally.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

The UK continues to have strong concerns about continued reports of ill-treatment of Palestinian minors in Israeli military detention, notably use of painful restraints and insufficient notification of legal rights. Our Ambassador to Israel raised concerns with Israeli Attorney-General Mandelblit on 3 October and the Minister for the Middle East Alistair Burt also raised our concerns with the Israeli authorities during his visit to Israel in August 2017.

We will continue regularly raising this issue with the Israeli authorities, and to press them to secure needed improvements to the practices surrounding military detention of minors. Whilst we have not engaged in formal multilateral discussions on the matter, we have nonetheless engaged on this alongside a number of European Partners.

Palestinians: Detainees**28 Nov 2017 | 114705****Asked by: Jo Stevens**

To ask the Secretary of State for Foreign and Commonwealth Affairs, what assessment he has made of the humanitarian needs of Palestinian detainees in Israeli prisons.

Answering member: Alistair Burt | Foreign and Commonwealth Office

The Government has concerns about allegations of mistreatment of Palestinian detainees and about Israel's respect for its relevant obligations as an Occupying Power under applicable international law. While we have not made an assessment of the humanitarian needs of Palestinian detainees, a focus of UK human rights engagement is Palestinian minors in Israeli military detention, as we have concerns about the treatment of minors during arrest and interrogation. We have raised these concerns with the Israeli authorities on many occasions, and will continue to do so.

Topical Questions**21 Nov 2017 | 631 c853****Asked by: Kelly Tolhurst**

In April last year, I had the pleasure of visiting Palestine, but also the sadness of witnessing a young Palestinian boy being tried in an Israeli

military court for throwing stones, with no choice of representation and the whole process conducted in Hebrew. We stand up for fairness, so will the Minister tell me whether his Department plans to review the "Children in Military Custody" report that was funded by his Department and published in 2012?

Answered by: Alistair Burt | Foreign and Commonwealth Office

We continue to urge Israel to implement the recommendations in the "Children in Military Custody" report. I raised the issue with the Israeli authorities during my visit to Israel in August 2017, and Ministers and the British ambassador to Tel Aviv have spoken and written to the Israeli Justice Minister and the Israeli Attorney General. The UK continues to have strong concerns about reports of the ill treatment of Palestinian minors in Israeli military detention.

Israel: Palestinians

30 Oct 2017 | HL2152

Asked by: Baroness Tonge

To ask Her Majesty's Government what representations they are making to the government of Israel following a report from the Palestinian Prisoners' Affairs Commission that the Israeli Army has arrested at least 927 children since the beginning of the year and given many of them lengthy sentences.

Answering member: Lord Ahmad of Wimbledon | Foreign and Commonwealth Office

Our Ambassador to Tel Aviv raised the issue of children in detention with the Israeli Attorney General on 3 October. The Minister for the Middle East and North Africa raised our concerns surrounding children in detention with the Israeli authorities during his visit to Israel in August 2017.

Israel: Palestinians

18 Oct 2017 | 107645

Asked by: Richard Burden

To ask the Secretary of State for Foreign and Commonwealth Affairs, whether his Department plans to review the implementation of the recommendations in the Children in Military Custody report, which was funded and published by his Department in 2012.

Answering member: Alistair Burt | Foreign and Commonwealth Office

We remain extremely concerned about the treatment of Palestinian children detained in Israeli prisons. We funded and facilitated the independent report on Children in Military Custody by leading British lawyers. Ministers and our Ambassador to Israel have strongly urged Israel to implement the recommendations it made. I again raised our concerns over the issue of children in detention with the Israeli authorities during my recent visit between 22-23 August.

Israel and Occupied Territories: Detainees
08 Sep 2017 | 6272

Asked by: Kevin Hollinrake

To ask the Secretary of State for Foreign and Commonwealth Affairs, what recent discussions he has had with his Israeli counterpart about human rights violations committed against children in military custody in Israel and the Occupied Palestinian Territories.

Answering member: Alistair Burt | Foreign and Commonwealth Office

I raised our concerns over the issue of children in detention with the Israeli authorities during my recent visit to Israel between 22-23 August.

4. Other Parliamentary material

4.1 Debates

Palestine: Children

21 July 2016 | 774 cc748-782

Child Prisoners and Detainees: Occupied Palestinian Territories

06 January 2016 | 604 cc77-102WH

4.2 Early Day Motions

Detention of Ahed Tamimi

EDM 728 (session 2017-19)

21 December 2017

Philippa Whitford

That this House expresses deep concern that in the early hours of 19 December an Israeli Border Police unit broke into the Tamimi family home during a night raid in Nabi Saleh and arrested 17-year-old Ahed Tamimi, taking her away for interrogation; believes that Ahed is targeted because she is the daughter of parents who are leading activists in the popular struggle against the occupation in the village of Nabi Saleh; acknowledges the reality of repression against ordinary Palestinians and notes the disproportionate response to any action taken by Ahed and rejects the routine use of night arrests and interrogation of minors by Israeli military forces which fuel further hatred and division; calls for the immediate unconditional release of Ahed Tamimi; and asks the Government to make representations to Israel that actions carried out by the occupying power that are not necessitated by genuine security concerns are in violation of the laws governing military occupation.

Military detention of Palestinian children by Israeli authorities

EDM 563 (session 2017-19)

20 November 2017

Richard Burden

That this House notes with concern that hundreds of Palestinian children continue to be arrested, detained and tried in Israeli military courts, despite the practice involving widespread and systematic violations of international law and being widely condemned; further notes that allegations of ill-treatment at the hands of Israeli authorities include blindfolding, physical violence and arrest at night; notes the disparity between the treatment of Israeli and Palestinian children by Israeli authorities and calls for those authorities to treat Palestinian children in a way that is not inferior to the way they would any Israeli child; notes that, as the occupying power in the West Bank, Israel has a responsibility under international human rights conventions for the safety, welfare and human rights protection of Palestinian children living under occupation; notes with concern that the recommendations of Unicef's 2013 Children in Israeli Military Detention Report remain largely

unmet; and urges the Government to urgently engage with the Government of Israel to end the widespread and systemic human rights violations suffered by Palestinian children in Israeli military custody.

Military Court Watch submission to the United Nations working group on arbitrary detention

EDM 720 (session 2015-16)

18 November 2015

Paul Monaghan

That this House notes that Military Court Watch has lodged a submission with the UN Working Group on Arbitrary Detention relating to the detention and transfer of Palestinian minors from the West Bank to prisons located inside Israel in violation of both the Fourth Geneva Convention and the Rome Statute of the International Criminal Court; further notes that this practice, which is classified under international law as a war crime, affects between 7,000 to 8,000 Palestinians each year, including minors, according to evidence provided by the Israeli Prison Service; and calls on the UN Working Group on Arbitrary Detention to contest the practice in a manner consistent with its jurisdiction and mandate to ensure that relevant international standards and relevant international legal instruments accepted by both Israel and Palestine as signatories to the Fourth Geneva Convention are fully and timeously addressed.

Israeli military treatment of Palestinian children

EDM 287 (session 2015-16)

13 July 2015

Philippa Whitford

That this House condemns the charging of Palestinian children with offences under Israeli military law and their trial in military courts since the occupation of Palestinian territory in 1967; further condemns the arrests, detention and prosecution of around 700 Palestinian children in the Israeli military court system each year; acknowledges the work that Defence for Children International - Palestine does in increasing awareness and providing legal assistance for Palestinian children; condemns the physical violence that more than three-quarters of Palestinian child detainees in 2014 endured in some form between the period of their arrest and interrogation with half of those also strip-searched; notes that, during arrest and interrogation, 93 per cent of children were denied access to legal counsel and rarely informed of their rights, particularly their right against self-incrimination; further notes that last year almost all children confessed regardless of guilt in order to stop further abuse; notes that in 2014 more than 25 per cent of children signed statements in Hebrew despite not understanding the language; notes in addition that between 2012 and 2014 Israeli military, police and security agents held 54 Palestinian children in solitary confinement for interrogation purposes, prior to charging them with any offence, and that in 2014 the average time that an individual child spent in solitary confinement for interrogation purposes was 15 days; and calls on the Government to demand immediate action from the Israeli government to behave in line with international law.

5. Further reading

[Year-in-review: Worst abuses against Palestinian children in 2017](#),
Defence for Children International Palestine, 18 January 2018

[Statistics on Palestinian minors in the custody of the Israeli security forces](#), B'Tselem, Updated 3 January 2018

[Violations against Palestinian children spike amid protests over U.S. Jerusalem move](#), Defence for Children International Palestine, 22 December 2017

[Briefing Note](#), Military Court Watch, October 2017

[The State of Israel and The Occupied Palestinian Territories \(OPTs\) - Human Rights Priority Country 2015 to 2016](#), Foreign and Commonwealth Office, Updated 8 February 2017

[The Status of Children in Gaza](#), Israeli Defence Force (Undated)

[Child prisoners and detainees in the Occupied Palestinian Territories](#),
House of Commons Library, CDP 2015-0135, 4 January 2016

[Children in Military Custody: A report written by a delegation of British lawyers on the treatment of Palestinian children under Israeli military law](#), Military Court Watch, 1 September 2014

[Children in Israeli military detention: observations and recommendations](#), UNICEF, February 2013

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