



US Campaign for  
Palestinian Rights

A national coalition of hundreds of groups working  
together for freedom, justice, and equality.

## Support H.R. 4391, the Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act

On November 14, Rep. Betty McCollum introduced H.R.4391, the Promoting Human Rights by Ending Israeli Military Detention of Palestinian Children Act. Reps. Earl Blumenauer, André Carson, John Conyers, Danny Davis, Peter DeFazio, Raúl Grijalva, Luis Gutiérrez, Chellie Pingree, and Mark Pocan are original cosponsors of the bill.

The US Campaign for Palestinian Rights, a national coalition of hundreds of groups working together for freedom, justice and equality, strongly urges Representatives to cosponsor this bill. This is an important piece of legislation which seeks to align US policy toward Israel and the Palestinian people with human rights standards and international law. It would do so by calling for an end to Israel's separate-and-unequal military courts for Palestinian children, prohibiting US assistance from being used by Israel to detain and systematically ill-treat Palestinian children, and creating a reporting requirement detailing Israel's abuse of Palestinian children.

### Why is this legislation needed?

- Israel is the only country in the world that systematically detains and prosecutes children through military courts lacking basic due process guarantees. According to [Defense for Children International-Palestine](#), Israel prosecutes between 500 and 700 Palestinian children in military courts annually and since 2012, holds, on average, more than 200 Palestinian children in detention at any given time. As noted in the bill, Israel's military court system "lacks basic and fundamental guarantees of due process in violation of international standards." Israeli authorities also hold Palestinian children under administrative detention, a practice that enables their detention on secret evidence, and without charge or trial, for renewable six-month periods.
- Israeli forces systematically subject Palestinian child detainees to ill-treatment following arrest. A February 2013 [UNICEF report](#), cited in the bill, found that the "ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized." The Department of State's 2013 annual [Country Report on Human Rights Practices for Israel and the Occupied Territories](#), citing human rights organizations, noted that this ill-treatment includes "beatings, long-term handcuffing, threats, intimidation, and solitary confinement," which in some cases amount to "torture." According to a [Defense for Children International-Palestine report](#), also cited in the bill, Israeli authorities inflicted physical violence on 75 percent of children after their arrest; did not properly inform 84 percent of children of their rights; and denied access to parents during interrogations in 97 percent of cases. Under Israeli military law, Palestinian children have no right to a lawyer during interrogation.
- Israel's detention of Palestinian children is part of its separate-and-unequal military court system. Israel operates [two legal systems](#) in the Occupied Palestinian Territory. Israelis living in illegal settlements in the West Bank are subject to Israeli civil laws, entitled to heightened due process guarantees, and are free from systematic ill-treatment when interrogated or detained. Palestinians, including children, however, are subject to Israeli military

law that lacks basic due process guarantees, and physical and psychological violence is the norm. According to the Israeli newspaper [Haaretz](#), Israel convicts an astounding 99.74 percent of Palestinians who are brought to trial through these military courts.

- This bill builds on previous Congressional initiatives to promote the human rights of Palestinian children. In 2015, Rep. McCollum and 18 other Members of Congress sent a [letter](#) to then Secretary of State John Kerry urging him to “elevate the human rights of Palestinian children to a priority status in our bilateral relationship with the Government of Israel” and to “address the status of Israel’s military detention system’s treatment of Palestinian children in its annual human rights report.” In June 2016, Rep. McCollum and 19 other Members of Congress wrote President Barack Obama a [letter](#) reiterating these concerns and calling on him to appoint a Special Envoy for Palestinian Youth. These letters, however, have had no discernible impact on Israel’s ongoing ill-treatment and detention of Palestinian children. This bill indicates ongoing Congressional concern with Palestinian children’s human rights and attempts to create transparency so that the US is not complicit in Israel’s military detention of Palestinian children through its assistance.

## What does this legislation do?

- Establish a sense of Congress on Israel’s military detention of Palestinian children. This bill would put Congress on the record as opposing Israel’s military detention of Palestinian children, recognizing it as a practice that violates international law, and results in grave human rights violations that are contrary to American values of equality, human rights, and dignity. It also recognizes that the widespread and systematic ill-treatment of Palestinian children arrested by Israeli forces acts to undermine Israeli-Palestinian peace. The bill calls for replacing the current separate-and-unequal system with a non-discriminatory juvenile justice system that ensures all rights and protections are afforded to children in accordance with international law.
- Establish official US policy on Israel’s military detention of Palestinian children. This bill would establish that the US does not “support the military detention of Palestinian children, a practice that is a widespread and systematic violation of the human rights of Palestinian child detainees and inconsistent with the values of the United States.”
- Establish prohibitions, certifications, and reporting requirements regarding Israel’s military detention of Palestinian children. This bill would establish three separate operative requirements:
  - 1) A prohibition against any US assistance appropriated to Israel being used to support the military detention, interrogation, abuse, or ill-treatment of Palestinian children in violation of international law.
  - 2) A certification from the Secretary of State that Israel has not used US assistance in the previous year to support personnel, training, lethal materials, equipment, facilities, logistics, transportation or any other activity supporting or associated with prohibited activities above. If the Department of State cannot make such a certification, it must report in detail the amount of funds used by Israel in violation of the prohibition above.
  - 3) An addition to an existing report required under section 116 of the Foreign Assistance Act of 1961, which would describe the nature and extent of detention, interrogation, abuse, or ill-treatment of Palestinian children by Israeli military forces or police.