

**Universal Periodic Review (UPR) NGO Alternative Report (43rd session
(April – May 2023)**

Israel

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Islamic Human Rights Commission (IHRC) is a not-for-profit campaign, research and advocacy organisation founded and based in the United Kingdom. It was set up in 1997 and works for redress of human rights violations and a better understanding of rights and norms across confessional, ethnic, national, political and other boundaries.

IHRC has consultative status with the UN – ECOSOC.

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NGO Submission to the United Nations Universal Periodic Review of Israel, current cycle

About IHRC

IHRC is a not-for-profit human rights organisation based in London, UK. It has held consultative status with UN since 2007. It was founded in 1997. Since its founding it has been active in advocating for victims of rights abuses, campaigning on policy and structural issues, and researching the violations of human rights.

Relevant recommendations and conclusions from the third UPR cycle, Human Rights Council Compilation on Israel

61. The Committee on the Rights of the Child was concerned that the provisions of the Protection of Children Law applied only to children under 14 years of age and recommended that Israel ensure the mandatory application of special protection measures in criminal proceedings to all child victims and witnesses up to the age of 18.

62. The Secretary-General stated that the Israeli military law applicable in the West Bank that permitted the detention of Palestinian children from the age of 12 was at odds with the specific protection granted to children as members of a vulnerable group.

63. OHCHR indicated that, in October 2015, the practice of holding children in administrative detention had resumed. It noted that instances of the practice, the first since December 2011, were part of an overall sharp increase in the detention of children following the escalation of violence in the West Bank in 2015. At the end of February 2016, 440 children had been detained, the highest number at any single time since 2008.

64. OHCHR took note of other steps to penalize children in East Jerusalem. In 2015, the Knesset had amended the criminal law, increasing the maximum sentence for throwing stones or other objects at moving vehicles to 20 years' imprisonment when the intent to harm the occupants of the vehicle could be established, irrespective of harm caused, and 10 years when the intent could not be proved.

65. The Human Rights Committee remained concerned that positive reforms in the administration of juvenile military justice, including the increase in the age of majority in the military courts from 16 to 18 years and the adoption of a number of military orders providing safeguards for children, appeared not to be implemented effectively in practice, and that Palestinian children were still exposed to arbitrary arrest and detention and often did not enjoy full procedural rights.

Relevant recommendations and conclusions from Stakeholders' submissions on Israel

65. DCIP reported that in 2016, West Bank children suffered the highest losses of the past decade at the hands of Israeli forces and security guards. It indicated that in just the first five months of 2017, nine Palestinian children had been killed by Israeli forces.

66. MCW raised concerns from children detained in the West Bank in 2016, regarding issues such as night arrests, hand ties, blindfolds, physical abuse, strip searches, solitary confinement, and lack of parent accompaniment, access to lawyers, documentation in Hebrew, bail, education in prison, family visits among others.

67. DCIP noted that Israel was the only country that systematically prosecutes between 500 and 700 children each year in military courts, lacking fundamental fair trial rights.¹²⁶ DCIP stated that in 2015, Israel renewed the practice of administrative detention of Palestinian

children in the West Bank.

68. DCIP stated that around 60 percent of Palestinian children ended up incarcerated in prisons inside Israel, and noted that Israel held increasing numbers of Palestinian children in solitary confinement. Alkarama stated that holding children in detention centers in Israel violates the Fourth Geneva Convention.

69. DCIP noted that children in East Jerusalem were generally subject to the Israeli Youth Law, implemented in a discriminatory manner. DCIP noted that amendments to the Israeli penal code included stricter penalties for throwing a stone. It added that while the 20-year maximum sentencing existed prior to 2015, the word “stone” was added to target Palestinians. GICJ and Alkarama raised similar concerns.

IHRC findings and recommendations

Growing up amidst military occupation and conflict has had a profound impact on Palestinian children in the West Bank and Gaza. It has impacted every aspect of their lives, from their safety and development to their psychosocial wellbeing and mental health. All Palestinian children face a myriad of protection risks, but one sub-set of children is uniquely vulnerable and suffers consistent violations of their fundamental rights: children who endure the Israeli military detention system. Numerous NGO's have documented the adverse lasting effects detention has on Palestinian children.

A 2020 [report by Save the Children](#) found that children in the Israeli military detention system face inhumane treatment such as beatings, strip searches, psychological abuse, weeks in solitary confinement, and being denied access to a lawyer during interrogations, new research by Save the Children found. The charity consulted more than 470 children from across the West Bank who have been detained over the past ten years. It found that most children were taken from their homes at night, blindfolded, with their hands painfully bound behind their backs. Many of the respondents said they were not told why they were being arrested or where they were being taken. Save the Children's consultation found that:

81% endured physical beatings and 89% suffered verbal abuse.

52% were threatened with harm to their families.

86% were subjected to strip searches, leaving them humiliated and ashamed.

88% did not receive adequate and timely healthcare, even when explicitly requested.

Almost half (47%) were denied contact with a lawyer

It is a matter of grave concern that in October 2020, the Israel Prison Service stopped providing B'Tselem and other human rights organisations with figures in response to requests under the Freedom of Information Law. At the end of September 2020, 157 Palestinian minors were held in Israeli prisons as security detainees and prisoners, at least two of whom were held in administrative detention. Another two Palestinian minors were held in Israel Prison Service facilities for being in Israel illegally. This does not include the number of prisoners who have turned 18 since they were first jailed. The IPS considers these minors – both detainees and prisoners – criminal offenders. It is estimated that approximately 10,000 children have been detained by Israel since 2000. Every year, Israel prosecutes between 500 and 700 Palestinian children in military courts. It is the only country in the world that automatically prosecutes children in military courts. The practice of detaining children from one ethnic/religious group echoes the Apartheid government in

South Africa which used detention of black children as a weapon against activists, just one of a slew of practices that have caused increasing numbers of human rights organisations to label Israel an Apartheid state.

Israel should put an immediate end to all child detentions and prosecution of children in military courts. The operation of law and order in the Palestinian territories is the preserve of the relevant Palestinian authorities there, not the occupying force.