



A joint project of:  
Defense for Children International – Palestine  
and American Friends Service Committee  
t. +1 (646) 912-8093  
e. [info@nowaytotreatachild.org](mailto:info@nowaytotreatachild.org)  
[www.nowaytotreatachild.org](http://www.nowaytotreatachild.org)

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

### What does this bill do?

H.R. 4391 seeks to promote justice, equality and human rights by ensuring that United States financial assistance provided to the Government of Israel is not used to support the detention of Palestinian children by Israeli forces in a military detention system where ill-treatment is widespread and institutionalized; or their prosecution in a military court system that has been found to lack basic fair trial protections and guarantees.

The bill requires the Secretary of State to certify annually that none of the funds obligated or expended in the previous fiscal year by the United States for assistance to the Government of Israel have been used to support the ill-treatment of Palestinian children in violation of international humanitarian law or to support the use against Palestinian children of any of the following practices:

- (1) Torture or cruel, inhumane, or degrading treatment.
- (2) Physical violence, including restraint in stress positions.
- (3) Hooding, sensory deprivation, death threats, or other forms of psychological abuse.
- (4) Incommunicado detention or solitary confinement.
- (5) Administrative detention.
- (6) Denial of access to parents or legal counsel during interrogations.
- (7) Confessions obtained by force or coercion.

H.R. 4391 requires the Secretary of State to certify to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate that no funds have been used by the Government of Israel to support personnel, training, lethal materials, equipment, facilities, logistics, transportation or any other activity that supports the practices listed above.

The bill leaves current financial assistance to the Government of Israel in place and does not adjust or cut financial assistance already committed to by the United States, rather the focus of the bill is on certification and reporting.

If such a certification cannot be made, the Secretary must transmit a report to each committee describing in detail the amount of funds used by the Government of Israel in violation of the specific prohibitions noted in the legislation and each activity supported by such funds.

The findings provisions in the bill, based on persistent and credible evidence-based reports from UNICEF, Human Rights Watch, and others, establish that ill-treatment of Palestinian children by Israeli forces is widespread, systematic and institutionalized from the moment of arrest in the Israeli military detention system.

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The [No Way to Treat a Child](#) campaign seeks to challenge and end Israel's military occupation of Palestinians by exposing widespread and systematic ill-treatment of Palestinian children in the Israeli military detention system. It is a project of [Defense for Children International - Palestine](#) and the [American Friends Service Committee](#).

Learn more at: [www.nowaytotreatachild.org](http://www.nowaytotreatachild.org) | [www.dci-palestine.org](http://www.dci-palestine.org) | [www.afsc.org](http://www.afsc.org)

## Why is this legislation needed?

This bill seeks to ensure that US taxpayer funds are not being used to support grave human rights violations against Palestinian children detained by Israeli forces in an effort to enhance transparency and demand that Israeli forces comply with international law. By aligning US policy toward Israel and the Palestinian people with international law norms, the bill would help increase protections for children and work to end grave human rights violations against Palestinian children detained by Israeli forces.

Children under 18 years old now represent 43 percent of the 2.9 million Palestinians living in the occupied West Bank.

Instead of growing up with a law-based, negotiated settlement founded on universal human rights principles, justice and respect for human dignity; Palestinian youth have had their futures stifled and suppressed by systemic discrimination, settlement expansion, and a military occupation with no end in sight where impunity is the norm.

Israel has the dubious distinction of being the only country in the world that systematically prosecutes between 500 and 700 children each year in military courts that lack fundamental fair trial rights and protections.

Children within the Israeli military detention system commonly report physical and verbal abuse from the moment of their arrest, and coercion and threats during interrogations. Under Israeli military law, Palestinian children have no right to a lawyer during interrogation.

Ill-treatment of Palestinian children arrested by Israeli forces in the occupied West Bank has been widely documented. In 2013, UNICEF released a report titled [Children in Israeli military detention: Observations and recommendations](#). The report concluded that “ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process, from the moment of arrest until the child’s prosecution and eventual conviction and sentencing.”

Subsequent UNICEF reports show that widespread ill-treatment of Palestinian children detained by Israeli forces is the norm rather than the exception.

Regardless of guilt or innocence, children in conflict with the law are entitled to special protections and all due process rights under international human rights law and international humanitarian law.

International juvenile justice standards, which Israel has obliged itself to implement by ratifying the UN Convention on the Rights of the Child (CRC) in 1991, demand that children should only be deprived of their liberty as a measure of last resort, must not be unlawfully or arbitrarily detained, and must not be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

Despite sustained engagement by UNICEF and repeated calls to end night arrests and ill-treatment and torture of Palestinian children in Israeli military detention, Israeli authorities have persistently failed to implement practical changes to end violence against child detainees.

Reforms undertaken by Israeli military authorities tend to be cosmetic in nature rather than substantively addressing physical violence and torture by Israeli military and police forces.

In a military detention system where fair trial guarantees are denied and nearly three out of four Palestinian children experience some form of physical violence after arrest, failing to demand Israeli authorities comply with international law simply works to enable abuse and perpetuate injustice against Palestinian children.