

## UNICEF

### CHILDREN IN ISRAELI MILITARY DETENTION

#### RECOMMENDATIONS

##### Compliance with international norms and regulations

#	Recommendations
1	<b><i>The best interests of the child shall be a primary consideration.</i></b> In all actions concerning children, whether undertaken by public or private social-welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2	<b><i>Non-discrimination.</i></b> States Parties to the Convention on the Rights of the Child shall respect and ensure that the rights set forth in the Convention apply to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' race, colour, sex language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
3	<b><i>Use of detention only as a measure of last resort.</i></b> Children should only be deprived of their liberty as a measure of last resort and for the shortest appropriate period of time.
4	<b><i>Alternatives to detention.</i></b> Alternatives to detaining children should always be considered and encouraged, at both the pre-trial and post-sentencing stages of any judicial or military detention system.
5	<b><i>Diversion.</i></b> Children in conflict with the law should be channelled away from judicial proceedings through the development and implementation of procedures or programmes that enable many – possibly most – to avoid the potential negative effects of formal judicial proceedings, provided that human rights and legal safeguards are fully respected.

##### Notification

#	Recommendations	Status
6	All children shall be informed of the reasons for their arrest at the time of arrest and in a language they understand.	Not implemented
7	The competent military authority shall, on its own initiative, notify the legal guardian or close family member of the child about the arrest, reasons for arrest and place of detention, as soon as possible after the arrest, and in Arabic. A legal guardian must be authorized to accompany the child during transfer and stay with the child at all times during interrogation.	Not implemented
8	All children and their legal guardian or close family member should	Not implemented

	be provided with a written statement in Arabic informing them of their full legal rights while in custody.	
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### Timing of arrests and arrest warrants

#	Recommendations	Status
9	All arrests of children should be conducted during daylight, notwithstanding exceptional and grave situations.	<b>Not implemented -</b> The military authorities are considering implementing a pilot study involving the issuance of summonses in lieu of night arrests in two locations in the West Bank.
10	Copies of all relevant documentation, including arrest warrants and summons for questioning, should be provided to the child's legal guardian or close family member at the time of arrest or as soon as possible thereafter, and all documentation should be provided in Arabic.	<b>Not implemented</b>

### Methods and instruments of restraint

#	Recommendations	Status
11	Children should only be restrained for the time that is strictly necessary. Use of restraining methods and instruments should respect the child's dignity and not cause unnecessary pain or suffering.	<b>Not implemented</b>
12	The use of single plastic hand ties should be prohibited in all circumstances, and the prohibition must be effectively monitored and enforced.	<b>Not implemented</b>
13	At all times during transfer, children should be properly seated, not blindfolded and treated with dignity.	<b>Not implemented</b>
14	Except in extreme and unusual circumstances, children should never be restrained during interrogation, while detained in a cell or while attending court.	<b>Not implemented</b>
15	The practice of blindfolding or hooding children should be prohibited	<b>Not implemented</b>

	in all circumstances.	
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### Strip searches

#	Recommendations	Status
16	Strip searches should be carried out only under exceptional circumstances and used only as a last resort. When conducted, strip searches should be done with full respect for the dignity of the child and be conducted by more than one person of the same gender as the child, in the presence of a parent, guardian or other responsible adult, wherever possible. The strip search should be done in a private location and should not involve the removal of all garments at the same time.	Not implemented

### Access to a lawyer

#	Recommendations	Status
17	All children in detention shall have prompt and regular access to an independent lawyer of their choice.	Not implemented

### Judicial review of the arrest and detention

#	Recommendations	Status
18	All children in detention shall, within 24 hours of their arrest, have prompt and effective access to an independent judicial review of the legality of their arrest and detention.	Not implemented— In April 2013, the military authorities issued a new military order (MO 1711) which requires that children below the age of 14 be brought before a judge within 24 hours. This time frame can be doubled in “special circumstances”.

19	The military courts should review every child's detention at least every two weeks, to ensure that detention is used only as a measure of last resort and for the shortest time possible; that the child is not being subjected to any form of ill-treatment; and that the child is being granted access to relatives, a lawyer and a medical doctor.	Not implemented
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### Medical examinations

#	Recommendations	Status
20	Both prior to and after questioning, as well as upon transfer to another place of detention, the detained child should undergo a medical inspection by an independently qualified medical doctor. The medical inspection should abide by the highest standards of medical ethics, document objectively any complaints and findings, and assess the child's physical and psychological state. Any immediate medical needs should be attended to.	Not implemented
21	Subject to the consent of the child's legal guardian, all medical records should be made available to the child's lawyer.	Not implemented
22	Children deprived of their liberty shall have access to prompt and adequate medical care at all times.	Not implemented

### Questioning and interrogation

#	Recommendations	Status
23	The questioning or interrogation of a child should always take place in the presence of a lawyer and a family member, and should always be audio-visually recorded for the purpose of independent oversight.	Not implemented
24	At the commencement of each interrogation session, the child should be formally notified of his or her rights in Arabic, and in particular, informed of the privilege against self-incrimination.	Not implemented
25	Each interrogation session should begin with the identification of all persons present. The identity of all persons present should be included in the record and available to the child's lawyer.	Not implemented

### Solitary confinement

#	Recommendations	Status
26	In no circumstances whatsoever should a child be held in solitary confinement.	Not implemented

### Confessional evidence

#	Recommendations	Status
27	No statement or confession made by a child deprived of his or her liberty, other than one made in the presence of a judge or the child's lawyer, should have probative value at any stage of the criminal proceedings, except as evidence against those who are accused of having obtained the confession by unlawful means. Cases involving children in military courts should not be determined solely on the basis of confessions from children.	Not implemented
28	All confessions written in Hebrew and signed or adopted by a Palestinian child should be rejected as evidence by the military courts.	Not implemented

### Bail and plea bargains

#	Recommendations	Status
29	Incarceration of children should always be a measure of last resort and for the shortest possible time. Except in extreme circumstances, release on bail should be the standard procedure.	Not implemented
30	The conditions under which bail and plea bargains are granted should be revised to make them consistent with the Convention on the Rights of the Child.	Not implemented

### Location of detention and access to relatives

#	Recommendations	Status
31	In accordance with international law, all Palestinian children detained in the Israeli military detention system shall be held in facilities located in the occupied Palestinian territory.	Not implemented
32	Wherever a child is detained, the right of family members to visit should be fully respected. All necessary measures should be taken to ensure that the administrative procedures to support family visits, including all necessary permits, are promptly facilitated no later than 14 days after arrest.	Not implemented
33	All children should be entitled to regular telephone communication with their families in order to maintain close social relations.	Not implemented

**Accountability**

#	Recommendations	Status
34	Any complaint by a child, at any stage of his or her detention, regarding any form of violence and unlawful treatment, shall be promptly, diligently and independently investigated in accordance with international standards. All perpetrators shall be brought promptly to justice.	Not implemented
35	Unless the allegations are manifestly unfounded, the personnel allegedly involved in the unlawful treatment of children should be suspended from duties involving contact with children, pending the outcome of an independent investigation and any subsequent legal or disciplinary proceedings.	Not implemented
36	In addition to efficient and effective complaint mechanisms, Israeli military authorities should take all necessary measures to establish effective and independent internal oversight mechanisms to monitor the behavior of all our personnel in contact with children in Israeli military detention.	Not implemented
37	Child victims of ill-treatment should obtain redress and adequate reparation, including rehabilitation, compensation, satisfaction and guarantees of non-repetition.	Not implemented
38	The Israeli authorities should give immediate consideration to establishing an independent investigation into reports of ill-treatment of children in the military detention system, in accordance with the 2002 recommendations made by the UN Special Rapporteur on the situation of human rights in Palestinian territories occupied since 1967.	Not implemented