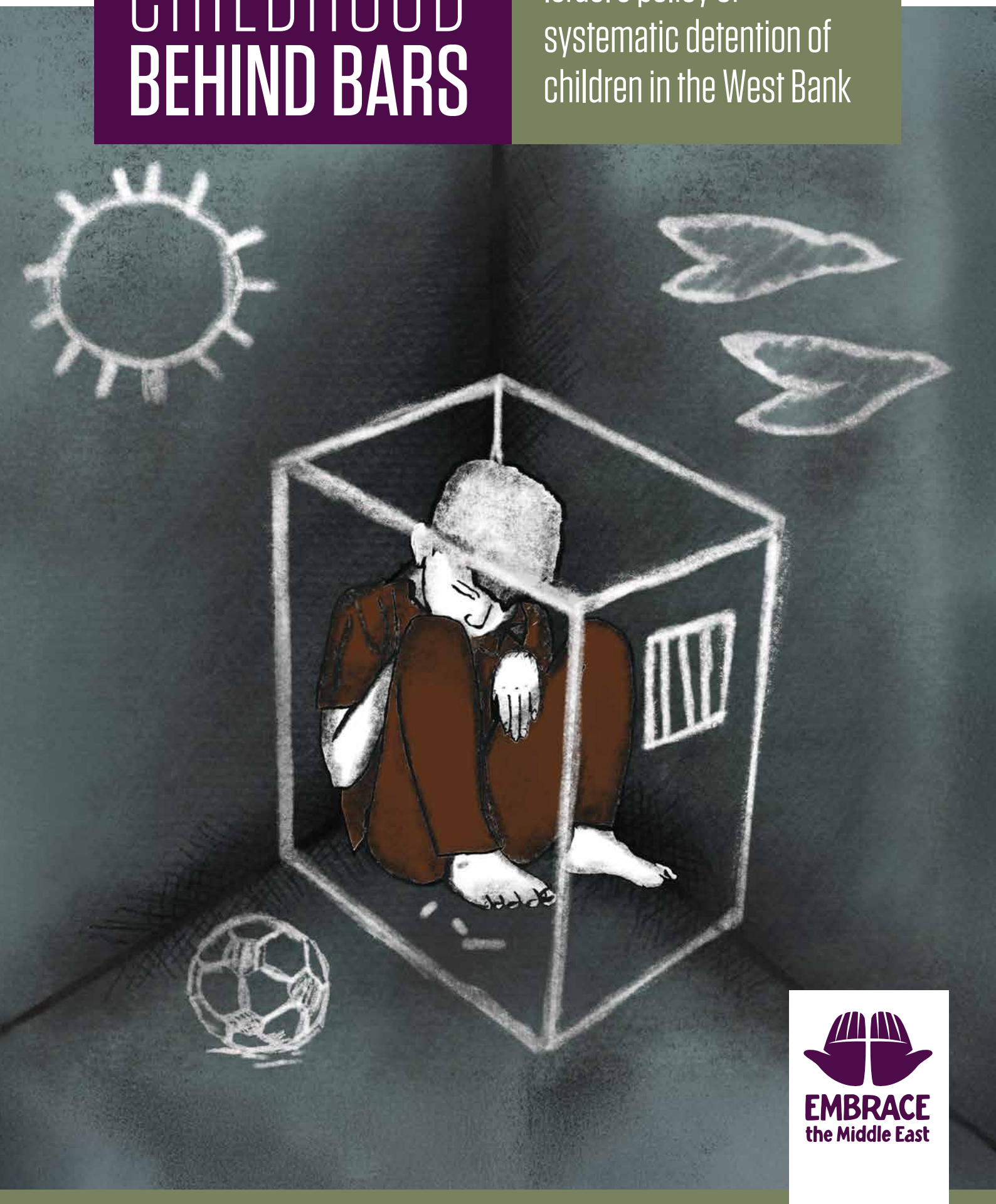
POLICY BRIEFING

CHILDHOOD BEHIND BARS

Israel's policy of systematic detention of children in the West Bank



EMBRACE the Middle East

Childhood behind bars

Israel's policy of systematic detention of children in the West Bank

INTRODUCTION

Israel has been detaining Palestinian children - defined as anyone below the age of 18[1] - in the West Bank for decades, with the number of children detained rising sharply since 7 October 2023.[2] Children in detention are denied their right to a fair trial and often face abuse or even torture. The far-reaching consequences of child detention range from disruption to their education, damage to family relationships, and severe long-term harm to their mental and physical health.

Applicable International Law

Israel is a state party to the Convention on the Rights of the Child (CRC) and therefore legally bound to respect its provisions. The CRC sets out that in all actions concerning children, the best interests of the child shall be a primary consideration,[3] and that no child shall be deprived of their freedom arbitrarily.[4]

The CRC further establishes that any arrest, detention or imprisonment of a child must follow the law, be used only as a last resort, be for the shortest period of time possible,[5] and be done in a way that respects the child's dignity and age-specific needs.[6] Children also have the right to legal assistance,[7] family contact,[8] and protection from torture or ill-treatment.[9]

Article 37(c) stipulates that when a child is detained, they should be kept separate from adults,[10] while Article 9(4) adds that parents or family members have the right to know where their child is.[11]

According to Article 40 of the CRC, all children have the right to be treated as innocent until proven guilty, to a fair and prompt trial, to a free interpreter if they do not understand the language used, and to protection against being compelled to make a statement that suggests guilt.[12]

The International Covenant on Civil and Political Rights (ICCPR) further prohibits arbitrary detention,[13] torture, punishment or

1. The Convention on the Rights of the Child, in Article 1, defines a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier."
2. See OHCHR, *'Flash Report: The Human Rights Situation in the Occupied West Bank, Including East Jerusalem, 7 October–20 November 2023'* (27 December 2023), p.2; Commission of Detainees and Ex-Detainees Affairs, *'Children Detainees: On World Children's Day Marking'* [Accessed: 30 June 2025]; and Save the Children International, *'Palestinian children in Israeli military detention report increasingly violent conditions'* [Accessed: 30 June 2025].
3. Convention on the Rights of the Child, Article 3(1).
4. Convention on the Rights of the Child, Article 37(b).
5. Ibid.
6. Convention on the Rights of the Child, Article 37(c).
7. Convention on the Rights of the Child, Article 37(d).
8. Save in exceptional circumstances, as per Convention on the Rights of the Child, Article 37(c).
9. Convention on the Rights of the Child, Article 37(a).
10. Unless it is in the child's best interest not to be separated, as per Convention on the Rights of the Child, Article 37(c).
11. Unless sharing this information would harm the well-being of the child, as per Convention on the Rights of the Child, Article 9(4).
12. Convention on the Rights of the Child, Article 40(2)(b).
13. International Covenant on Civil and Political Rights, Article 9.

cruel, inhuman or degrading treatment,[14] and guarantees the right to a fair trial.[15]

Finally, Article 49 of the Fourth Geneva Convention sets out that the transfer of protected persons – including children - from an occupied territory is prohibited,[16] while Article 76 of the Fourth Geneva Convention asserts that whilst detained, protected persons from an occupied country must remain in that occupied country.[17]

Although Israel disputes their responsibility with regards to the applicability of international human rights law within the occupied Palestinian territory,[18] international standards affirm that states' obligations to respect international law extends "extraterritorially", meaning beyond their own borders whenever they exercise effective control over individuals.[19] The above has been confirmed, for example, by the Committee on the Rights of the Child.[20] Israel, as the occupying power exercising effective control in the occupied Palestinian territory,[21] including the West Bank, is therefore bound to uphold these international legal obligations.

Applicable Domestic Law

Israel and the occupied Palestinian territory operate under a dual legal system of civilian law and military law, alongside remnants of local laws, such as Jordanian law in the West Bank. Typically, Israelis are tried in civilian courts under civilian law, while Palestinians who do not hold Israeli citizenship are prosecuted in military courts under military law. Military courts lack basic fair trial protections,[22] and more than 95% of cases result in a conviction.[23]

Two key Israeli military orders define how and when children in the West Bank can be detained. Military Order No. 101 (1967) criminalises peaceful political activities, including protesting,[24] flag-waving,[25] and distributing political material – such as leaflets – without military approval.[26]

Military Order No. 1651 (2009) outlines procedures for arrest, detention, and prosecution. Articles 21–69 grant broad powers of arrest and search, including the authority for an officer to arrest, without a warrant, any individual who is violating or suspected of violating the order.[27] Article 212 permits up to 10 years' imprisonment for throwing an object, and 20 years if thrown at a moving vehicle.[28]

14. International Covenant on Civil and Political Rights, Article 7.
15. This includes the right to a fair trial without undue delay, as per the International Covenant on Civil and Political Rights, Article 14; and, where detained, to a trial within a reasonable time or to release, as per the International Covenant on Civil and Political Rights, Article 9(3).
16. Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), Article 49.
17. Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention), Article 76.
18. See, for example, UN Human Rights Committee, '*Fifth Periodic Report Submitted by Israel under Article 40 of the Covenant Pursuant to the Optional Reporting Procedure, due in 2019*' (CCPR/C/ISR/5, 2019), para. 22; and Report of the UN Special Rapporteur Francesca Albanese on the, '*Arbitrary deprivation of liberty in the occupied Palestinian territory: the Palestinian experience behind and beyond bars'* (A/HRC/53/59, 2023), para.26.
19. See, for example, European Court of Human Rights, *Issa and others v. Turkey* (Application No. 31821/96, 2004), para. 71.
20. Committee on the Rights of the Child, *'Concluding observations on the combined fifth and sixth periodic reports of Israel'* (CRC/C/ISR/CO/5-6, 2024), para. 3.
21. International Court of Justice, *'Advisory Opinion: Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem'* (19 July 2024), paras. 90-94.
22. Association for Civil Rights in Israel, *'One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank'* (October 2014), pp.53-56.
23. Report of the UN Special Rapporteur Francesca Albanese on the, *'Arbitrary deprivation of liberty in the occupied Palestinian territory: the Palestinian experience behind and beyond bars'* (A/HRC/53/59, 2023), para. 59.
24. In cases where there is a holding of, a procession, assembly or vigil without a permit (An assembly is defined as gatherings of 10 or more persons) in which a speech is being made on a political subject, or which may be construed as political, see Israel Defense Forces Order No. 101 (1967), Article.10.
25. Israel Defense Forces Order No. 101(1967), Article. 5.
26. Israel Defense Forces Order No. 101 (1967), Article. 6.
27. Military Order 1651 (2009), Article. 31(A).
28. Military Order No. 1651 (2009), Article. 212.

Israel's detention of **Children in the West Bank**



There is no documented case of an Israeli child being tried in an Israeli military court.[29] In comparison, UN estimates and Israeli military data indicate that around 38,000 to 55,000 Palestinian children were imprisoned under military law between 1967 and 2022.[30] This disparity has widened since the Hamas attack on Israel on 7 October 2023. Before the attack, around 170 Palestinian children were being held in detention[31] but since then, over 1,300 children have been detained and, as of June 2025, there were at least 440 children in detention.[32]

The most common charge for child detainees is stone throwing, though children are also held under administrative detention,[33] meaning they are detained without charge or trial. Palestinian children are arrested, frequently at night without a warrant,[34] and without being informed of the reason for arrest[35] or their rights.[36] Embrace the Middle East (Embrace) reports that children have been forcibly taken while running errands for their family, playing in their local playground or even pulled from their bed in the middle of the night. In many cases, child detainees are held alongside adults at military detention facilities, in contravention of article 37(c) of the CRC.[37]

Rights groups continue to report that child detainees are being transferred from West Bank to Israeli detention centres,[38] in violation of Articles 49 and 76 of the Fourth Geneva Convention.[39] As Palestinians in the West Bank need Israeli-issued permits to enter Israel, and these are often difficult, if not impossible, to obtain, the transfer of children to Israel very often results in parents being unable to visit their children while held in detention.[40] Parents also report that they are not informed of their child's place of detention,[41] raising concerns of enforced disappearance[42] and breaching the right of a family to know the whereabouts of their child under Article 9 of the CRC.

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29. Save the Children International, *'Injustice: Palestinian Children's Experience of the Israeli Military Detention System'* (2023), p.9.
30. Military Court Watch, *'Monitoring the Treatment of Children Held in Israeli Military Detention: Annual Report'* (2022), para.2.1; Bar Human Rights Committee of England and Wales, *'The Israeli Military Courts in the West Bank of the Occupied Palestinian Territories: Court Observation and Fact-Finding Report'* (2024), para.19.
31. As per Commission of Detainees' & Ex-Detainees' Affairs [Accessed: 01 July 2025].
32. As per Commission of Detainees' & Ex-Detainees' Affairs, *'Comprehensive Update on the Number of Palestinian Detainees in Israeli Occupation Prisons – As of Early June 2025'* [Accessed: 01 July 2025].
33. See Amnesty International, *'Urgent action: Palestinian children administratively detained'* (29 April 2016) [Accessed: 01 July 2025].
34. Yesh Din, *'A Life Exposed: Military Invasions of Palestinian Homes in the West Bank'* (November 2020), pp.83-84.
35. Yesh Din, *'A Life Exposed: Military Invasions of Palestinian Homes in the West Bank'*, (November 2020), p.81.
36. Report of the UN Special Rapporteur Francesca Albanese on the, *'Arbitrary deprivation of liberty in the occupied Palestinian territory: the Palestinian experience behind and beyond bars'* (A/HRC/53/59, 2023), para.51.
37. See Amnesty International, *'Urgent action: Palestinian children administratively detained'* (29 April 2016) [Accessed: 01 July 2025]; and OHCHR, *'Thematic Report Detention in the context of the escalation of hostilities in Gaza'* (October 2023-June 2024)' (June 2024), para.38.
38. See for example, B'Tselem, *'No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing'* (2011), p.31; Amnesty International, *'Israel/OPT: surge in arbitrary detention of West Bank Palestinians, with torture rife'* (8 November 2023) [Accessed: 01 July 2025]; and Report of the UN Special Rapporteur Francesca Albanese on the, *'Situation of Human Rights in the Palestinian Territories Occupied Since 1967'* (A/78/545, 2023), para.48.
39. The Fourth Geneva Convention, Article 49 prohibits the transfer of protected persons from an occupied territory; and the Fourth Geneva Convention, Article 76 states that protected persons convicted of offences shall be detained and serve their sentences within the occupied territory.
40. Report of the UN Special Rapporteur Francesca Albanese on the, *'Situation of Human Rights in the Palestinian Territories Occupied Since 1967'* (A/78/545, 2023), para.48.
41. Ibid.
42. Report of the UN Special Rapporteur Francesca Albanese on the, *'Arbitrary deprivation of liberty in the occupied Palestinian territory: the Palestinian experience behind and beyond bars'* (A/HRC/53/59, 2023), para. 67.

A study summarising the testimonies of over 1,000 Palestinian children detained between 2013 and 2023 found that 97% of children were questioned without a parent or family member present,[43] while 81% were denied access to a lawyer prior to interrogation.[44] This is particularly concerning given that almost three-quarters of child detainees were shown or pressured to sign documents – sometimes confessions – in Hebrew, a language Palestinian children often do not understand.[45] These practices do not guarantee a child's right to a fair trial and to be treated with humanity.[46]

Many children also experience aggressive and frightening tactics during arrest and detainment, including being blindfolded, beaten, or tied with single plastic ties.[47] Between 2021 and 2022, almost half of detained children were held in solitary confinement for an average of 12.5 days in continuously lit, windowless cells.[48] In violation of Article 7 of the ICCPR[49] and Articles 3(1) and 37(a) and (c) of the CRC,[50] many children experience physical and/or verbal abuse, and deprivation of basic rights such as food and medical care. Recently, 17-year-old Palestinian Walid Ahmad died in Israeli detention after reportedly being denied medical treatment for serious health issues.[51] These conditions are believed to have resulted from abuse and neglect during his detention, including suspected malnutrition.[52] Embrace reports the experience of a child who continues to suffer from an eye injury sustained during an assault by a soldier during the child's detainment (see annex, case study 3).



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43. Military Court Watch, *'The systematic torture and/or ill-treatment of protected persons (children) and their unlawful transfer from occupied territory'* (November 2023), p.40.
44. Ibid., p.42.
45. See Military Court Watch, *'Monitoring the treatment of children held in Israeli military detention annual report 2019/20'* (June 2020).
46. Rome Statute of the International Criminal Court, Article. 8(2)(a)(ii) and (vi).
47. Save the Children International, *'Defenceless: The Impact of Israeli Military Detention on Palestinian Children'* (2020), p.14.
48. Report of the UN Special Rapporteur Francesca Albanese on the, '*Arbitrary deprivation of liberty in the occupied Palestinian territory: the Palestinian experience behind and beyond bars'* (A/HRC/53/59, 2023), para.67.
49. The International Covenant on Civil and Political Rights, Article 7 states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
50. Convention on the Rights of the Child, Article 37(a) enshrines that no child shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
51. Lorenzo Tondo for the Guardian, *'Palestinian teenager dies in Israeli jail after being held six months without charge'* (Apr 2025), [Accessed: 17 June 25].
52. Ibid.



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The length of pretrial detention can vary significantly.[53] At times children are released with no charge but where the child detainee is charged and goes to trial, the trials are brief, averaging a mere three minutes.[54] In prison uniforms, chains and shackles,[55] children face a military court where 97% of convictions result from plea bargains.[56]

Rights groups have documented the lasting negative impact of detention on child detainees, with many suffering prolonged mental and physical trauma.[57] The harm also extends beyond the child. Embrace's partners have seen how family relationships became strained post-detainment, with parents forced to act as 'guards', responsible for ensuring their child followed house arrest conditions upon their release from detainment (see annex, case study 2).

It is important to understand and remember that the policies and practices outlined in this brief do not take place in a vacuum, but occur within the context of Israel's protracted occupation of the Palestinian territory, which was declared unlawful by the International Court of Justice (ICJ) in its Advisory Opinion of 19 July 2024. To end what evidence indicates to be a systematic effort to detain Palestinian children – disrupting their lives, futures, families and communities and severely impacting their long-term physical and mental health – one needs to tackle its very roots: Israel's protracted illegal occupation.

53. See Military Order No. 1651, Articles. 37 and 38 (2009), which allow authorities to extend detention beyond the initial 90-day limit in periods of up to 30 days at a time, upon request.
54. Report of the UN Special Rapporteur Francesca Albanese on the, *'Situation of Human Rights in the Palestinian Territories Occupied Since 1967'* (A/78/545, 2023), para.50.
55. Report of the UN Special Rapporteur Francesca Albanese on the, '*Arbitrary deprivation of liberty in the occupied Palestinian territory: the Palestinian experience behind and beyond bars'* (A/HRC/53/59, 2023), para.68.
56. Ibid., para.59; and Lisa Hajjar, '*Courting Conflict: The Israeli Military Court System in the West Bank and Gaza'*, (University of California Press, 2005), p.3.
57. See for example, War Child, *'Understanding the effects of the Israeli occupation on the mental health and psychosocial wellbeing and needs of children and caregivers in the occupied Palestinian territory (oPt), specifically the West Bank including East Jerusalem'* (February 2025) p.8; and Doctors of the World, *'Palestine: The Consequences of Child Detention*' [Accessed: 01 July 2025].

Recommendations

Embrace the Middle East calls on the UK government to:

1. Urge Israel to immediately end the practice of night arrests and the use of inhumane tactics against Palestinian children, including beatings, blindfolding, and hand-tying during arrest and detention, violating Articles 3(1) and 37(a) and (c) of the CRC, and Article 7 of the ICCPR.

2. Call on Israel to stop without delay the unlawful transfer of Palestinian child detainees from the occupied West Bank to detention facilities inside Israel, in violation of Articles 49 and 76 of the Fourth Geneva Convention.

3. Urgently act upon the ICJ Advisory Opinion of 19 July 2024 by enacting legislation that bans trade with and investment in Israeli settlements. The ICJ affirmed that Member States must not aid or assist in maintaining the occupation and must act to end impediments to the Palestinian people's right to self-determination.[58] Despite the UK Government's position that Israeli settlements are illegal under international law, it maintains a policy of "recommending" appropriate labelling of products without enforcing a legal ban.

58. International Court of Justice, *'Advisory Opinion: Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem'* (19 July 2024), paras.278-279.

ANNEX: CASE STUDIES

CASE STUDY 1:

Amir*

The day that 14-year-old Amir was arrested started out like any other. He was spending time at the local playground with one of his close friends, next to the football pitch where they both loved to kick a ball around.

All of a sudden, a large number of Israeli soldiers surrounded the two boys. They were handcuffed abruptly, dragged by their arms and pushed into a waiting military vehicle. Amir recalls being slapped and beaten, with no idea where he was being taken or what was going to happen next. His thoughts flashed to his parents: how would they cope when they learned what was happening to him?

Before his arrest, Amir's life had followed a predictable pattern. He'd gone to school during the day and afterwards he had studied and played with his friends. Since a young boy, he'd always had a particular passion for football.

But everything changed after he was arrested. He was detained for one week at an Israeli interrogation centre under the charge of throwing stones. During his time in detention, Amir had no access to a lawyer. He didn't know where he was or what time of day it was, and he was given no opportunity to speak to his family.

There was no rest and no comfort: just repeated beatings and psychological pressure. The beatings left Amir in intense physical pain. But even worse was the psychological toll: he developed anxiety and his thoughts became obsessive, caught in a permanent loop of fear.

After the week of detention, Amir was sentenced to two weeks of house arrest. But despite being back in familiar surroundings, he remained anxious and fearful. His feelings were heightened during nearby military raids, which made his own home feel unsafe. He found it difficult to fully express his emotions, often feeling numb. His file is still open, which means he could face arrest again.

Communication became difficult with his family, especially his mother. Her increased anxiety about her son's safety, while rooted in love, caused tension. She no longer allowed him to go to the playground where he'd always enjoyed spending time with friends. Even more painful for Amir was that the place where he was arrested was the same football field he'd once loved, turning it into a trigger for fear and bad memories instead of joy.

And yet, through structured psychosocial support provided by Embrace's partner, Amir gradually began to find relief. Through compassionate guidance and individual counselling sessions, he started learning to trust both himself and others again, slowly reclaiming a sense of purpose and emotional stability. The sessions gave him space to express himself, laugh and feel heard.

Slowly, Amir began to find joy in the small things. One day, in a safe space, surrounded by people who cared about him, he found the courage to kick a football again. This was symbolic of more than a game: it was a step towards healing, a way to reconnect with the boy he'd been before the trauma.

Although the fear is still there, and some nights are harder than others, Amir now has a sense of hope.

* Names changed for anonymity

CASE STUDY 2:

Bilal*

Before 16-year-old Bilal was arrested, his life was simple but fulfilling. He worked at a small pizza shop near to his house – a job he loved and that gave him a sense of purpose and belonging.

The night he was arrested, he'd gone to the local shop. On his way there, he was ambushed by a group of undercover Israeli soldiers. They covered his head, handcuffed him and began beating him on the spot. He was then pushed into a military vehicle, where the beating continued all the way to the interrogation centre in Israel.

Bilal didn't know why he had been arrested or what the soldiers intended to do with him. All he wanted was to go home.

Though he had been charged with throwing stones, he only became aware of the charges when he was brought before the court. After 14 days in detention – days marked by harsh interrogations, little food, minimal sleep and physical abuse – he was sentenced to house arrest, which would last for a year and a half.

Within the small confines of his home, Bilal felt completely stripped of his freedom. His relationship with his parents became strained as they became more like guards, preventing him from leaving the house as requested by the court. Not being able to go out meant he lost the desire to even move, preferring to stay in bed all the time, which eventually led to a neck disc problem. Even though his family was physically present and tried to support him, he felt detached and numb. "My spirit began to break," he said. "My only overwhelming thought was: 'I want to get out of this prison.'"

Even after the traumatic house arrest ended, Bilal continued to live with anxiety, fear and tension. He had lost a year and a half of his childhood, and there were days he felt completely hopeless. He experienced mood swings and found himself unable to focus or make plans.

Bilal's social relationships also suffered, as he felt angry and disconnected from his family and friends. He stopped spending time with his friends, decided not to return to the job he'd once enjoyed, and even lost his passion for cooking – one of his favourite hobbies before the arrest.

The turning point for Bilal came as a result of support from Embrace's partner. His mother benefited from individual psychosocial counselling sessions, which helped her understand her son's trauma and how to support him. Bilal also attended psychosocial support sessions, which helped him to identify the sources of his fear, anxiety and stress, and learn how to manage his emotions.

Reconnecting with friends has begun to bring Bilal some relief. Being able to talk to them and feel accepted by them has reminded him that connection is still possible, despite the distance that had grown between them during his house arrest. It has also helped him to regain some of the confidence and energy he'd lost.

Bilal now firmly believes that psychological and social support is essential for any child who goes through an experience like his. Every child deserves to heal – and that healing starts with being seen, heard and supported.

* Names changed for anonymity

CASE STUDY 3:

Navid*

Navid was fast asleep when the IDF soldiers came for him. It was late at night and the 17-year-old high school student was in his bedroom when the soldiers burst into his home, beat him, and didn't allow his family to say goodbye when they arrested him and took him out into the night.

Before the arrest, Navid had been a motivated and ambitious student. As the eldest son and grandson, he was hoping to do well in his final exams and pursue his studies at university. But now, everything was different.

Navid had been arrested and detained before, in a detention centre in Israel. This time, he was taken to a military camp near his village. At the military camp, he was physically assaulted, resulting in a serious eye injury. This has left him in a constant state of fear of being re-arrested.

He said: *"The arrest affected every part of my life. I constantly felt like I would be arrested again or even killed, especially because an officer had threatened to do both. He used to call my phone regularly, saying he wouldn't let me live in peace."*

Navid started to suffer from anxiety attacks when military raids happened near his home. He lost a lot of weight, struggled with insomnia and experienced an overwhelming sense of guilt, blaming himself for his family's distress.

His relationship with his family members became tense. The traumatic, late-night arrest had left his mother and younger siblings with a deep sense of fear and anxiety. For his mother especially, it had revived painful memories of the past, from when his father had been arrested and subsequently spent 15 years in detention.

Although no formal charges were brought against him, and he was never taken to court, Navid lost all motivation academically. He also continues to experience issues with his eye due to the physical assault.

Navid initially felt unable to speak about his experience or express how he felt. Overwhelmed by anger and sadness, he isolated himself, withdrawing socially and choosing only to leave his house at night. However, as a result of individual counselling sessions provided by Embrace's partner, he began to gradually improve. The counselling helped him to regain emotional control, reconnect with his family and friends, and develop coping mechanisms. Today, he is able to reflect on his experience without distress and has adopted healthier habits, including exercise, to help manage his stress.

* Names changed for anonymity

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