



Save the Children
Sweden

THE IMPACT OF CHILD DETENTION: OCCUPIED PALESTINIAN TERRITORY

2012

Save the Children fights for children's rights. We deliver immediate and lasting improvements to children's lives worldwide.

Our vision is a world in which all children's rights are fulfilled. Save the Children works for:

a world which respects and values each child, a world which listens to children and learns, a world where all children have hope and opportunity.

The **East Jerusalem YMCA Rehabilitation Program** (EJ-YMCA RP) shall strive to enhance the living conditions of those traumatized, tortured and injured, and those with physical disabilities, to facilitate their integration/re-integration into society and empower them to play their natural role in the community development process.

Save the Children Sweden

oPt Office for the Middle East and North Africa

Beit Hanina P.O. Box: 25042 Shu'fat

97300 Jerusalem

E-Mail: info.wbg@mena.savethechildren.se

Website: <http://mena.savethechildren.se/mena>

East Jerusalem YMCA Rehabilitation Program

29 Nablus Road

P.O Box 19023 East Jerusalem

E-Mail: ymcarp@ej-ymca.org

Website: <http://ej-ymca.org>

© Save the Children Sweden & EJ-YMCA Rehabilitation Program 2012

Designed By: Muneer Hidmi

Printed By: Modern Arab Press



Foreword

Save the Children Sweden works to protect and promote children's rights throughout the world. The UN Convention of the Rights of the Child has always been the guide throughout our work, giving children the right to express their concerns in all freedom. Making children's voices heard is one of the most important objectives for Save the Children's work.

Ever since the start of the first Intifada in 1987 the situation for Palestinian children living in the occupied Palestinian territory (oPt) has been deteriorating. Children's right to protection, education, health and their right to survival and development are constantly being threatened and violated. In 1990 Save the Children Sweden in oPt published a first report about "The status of Palestinian Children during the uprising in the occupied territories", describing the devastating impact collective punishment and collective measures taken by the Israeli Authorities during the First Intifada on children and their families.

During the Second Intifada in 2003, Save the Children Sweden published the interview-based report, "One Day in Prison Feels Like a Year"; where Palestinian Children tell their own stories about detention. Children from the West Bank spoke about the rights violations they were subjected to in Israeli prisons and how they saw their future. Two other reports portraying the challenges faced by Palestinian children were "Growing Up Under Curfew" and "Living Behind Barriers – Palestinian Children Speak Out". In these reports, children describe the impact the ongoing conflict had on their everyday lives.

In the present report, "The Impact of Child Detention" Save the Children Sweden is again shedding a light on the situation of

Palestinian children in detention. We seek to give Palestinian Children the opportunity to describe in their own words the reality they live in after being held in detention. We also want to ensure that children's rights are being upheld, therefore in the concluding section of the report Save the Children addresses a number of messages to the international community, the government of Israel and the Palestinian National Authority. We will always strive to prevent children from being detained or ill-treated.

Much of the content of the report summarizes the findings and results of several studies that were conducted to assess the impact of detention on children, families and communities over the last four years. Research materials included reports such as "The Social Rehabilitation of Palestinian Child Ex-Detainees: A Long Run to Freedom", and many other studies and fact sheets.

Most of the information was gathered through the implementation of the "Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme", which aims at facilitating the re-integration process of ex-detainee children into their communities by enhancing the psychosocial well-being and coping capacity of ex-detainee children. The programme is implemented by the EJ-YMCA in partnership with Save the Children Sweden, and funded by the European Commission Humanitarian Aid and Civil Protection department (ECHO). Save the Children has much to offer to children living in conflict areas, and is in constant search of new ways to record and document its experiences and make them available to advocate and fight for children's rights.

On behalf of Save the Children, I am happy

to extent the appreciation to all who made this report possible:

Firstly and utmost, to all children and their families who were willing to be interviewed for this report and who were brave enough to share their traumatizing experiences, in order for us to have a personal insight into the suffering of Palestinian child detainees.

Secondly, all external consultants researching previous data and the EJ-YMCA staff members for their input and facilitation, especially Nader Abu Amsa, Fadia Saleh and Mona Zaghrou, and for their contribution in implementing the programme.

Thirdly, special thanks to SCS team Michelle Warriner, Simine Alam, Feletcia Saleh, Dana Isawi and Karen Mets for their support and contribution in the development and implementation of the programme.

Furthermore, much appreciation for the support of ECHO's office in Jerusalem, and to all authors and researchers mentioned in the bibliography: for their work and efforts for the improvement of the rights of children in the oPt and all over the world.

And last but not least: Sincerest thanks to Kete N. Shabani for her dedication, devotion and enthusiasm in interviewing and transcribing children's testimonies, analyzing data, previous findings and the legal frameworks as well as writing this report.

This report is dedicated to all Palestinian detainee and ex-detainee children, with the wish that one day they will fully enjoy the taste of freedom.

Jerusalem, 15th of January 2012

Mr. Eyad Al Araj
Country Director,
Save the Children Sweden





“What would you like to tell the world?”

“I want the world to know, that they should take care of themselves, so that what is happening to us, won’t happen to them!”

*M. O., 12-year-old child
ex-detainee from Silwan*

LIST OF ACRONYMS AND ABBREVIATIONS

ACRI – Association for Civil Rights in Israel

CAT – Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment

CBO – Community-Based Organization

CRC – UN Convention on the Rights of the Child

DCI-PS – Defence for Children International – Palestine Section

DFID – UK Government Department responsible for Promoting Development and the Reduction of Poverty

EJ-YMCA RP – East Jerusalem Young Men Christian's Association Rehabilitation Program

GCIV – (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War

ICCPR – International Covenant on Civil and Political Rights

IDF – Israeli Defense Forces

MENA – Middle East and North Africa Region

MoDEDA – Ministry of Detainees and Ex-Detainees

MoEHE – Ministry of Education and Higher Education

MoI – Ministry of Interior

MoJ – Ministry of Justice

MoSA – Ministry of Social Affairs

NGO – Non-governmental Organization

OCHA – UN Office for the Coordination of Humanitarian Affairs

oPt – occupied Palestinian territory

PCL – Palestinian Child Law

PLO – Palestinian Liberation Organisation

PNA, PA – Palestinian National Authority

SC – Save the Children

SCS – Save the Children Sweden

UDHR – Universal Declaration of Human Rights

UN – United Nations

Table Of Contents

Chapter 1

Introduction	10
Child Development And Basic Needs	11
Methodology And Objectives	12
Children In Armed Conflict	15
Children In The Occupied Palestinian Territories	16
Detained Children And Child Ex-Detainees	17

Chapter 2

Legal Framework: Detention	19
International Law	19
National Legislative Framework	24
Israel	24
West Bank	24
East Jerusalem	26
Palestinian National Authority	29
Save The Children's Work Regarding Juvenile Justice Under Palestinian Jurisdiction	33
Child Protection Through Art And Literature	33
Child Justice	34
Psychosocial Rehabilitation Of Children In Conflict With The Law	34
Role Of Major Duty-Bearers	35
Israeli Authorities	35
Governmental Duty-Bearers: MoDEDA, MoSA And MoEHE	36
Family Unit	36
Civil Society Actors	37
Lessons Learned And Recommendations	38

Chapter 3

Briefing: Response Approach	41
Save The Children Sweden's Work Approach	41
EJ-YMCA's Work Approach	43

Chapter 4

Impact Of Child Detention	46
Impact Of Child Detention On Children	49
Children's Right To Social And Cultural Life	51
Children's Right To Protection From Family Separation	52
Education And Career	53
Impact Of Child Detention On Families	57
Impact Of Child Detention On Communities	59

Chapter 5

Psychosocial Response	62
The Post-Trauma Rehabilitation Of Palestinian Ex-Detainee Children In The West Bank Programme	62
Areas Of Intervention And Geographical Distribution Of Beneficiaries	64
Recruitment Of Beneficiaries And Problems	66
Counselling Approach	68
Child Focused: Psychosocial, Educational, Career-Focused	68
Family Intervention	68
Impact Of Rehabilitation	69

Chapter 6

Role Of Community In Re-Integration Process	72
Lessons Learned And Recommendations	73

Chapter 7

Conclusion	73
Limitations	74
Bibliography	75



حسن عبادي

This caricature was drawn by the ex-detainee child Hasan Abadi



Picture taken by an ex-detainee boy.

: “What it feels like to live here you ask? It’s like being a
: shadow of your own, caught on the ground, not being able
: to break out and you see yourself lying there, but you
: cannot fill the shadow with life.”

R. R., detained at the age of 17

Introduction

Childhood: While all adults go through this phase, it seems to be a distant memory for most of them. The question of *who* a child is and where childhood *begins* and *ends* is a complex one. Under the UN Convention on the Rights of the Child (CRC), all humans under the age of 18 are to be considered as children, unless the relevant national law can be applied to children of a younger age. This definition includes stages of maturity such as adolescence and youth.



“(…) a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.”

Article 1, UNCRC

Israel ratified the CRC in 1991 – its content is in line with the legislation and definitions

UNCRC Principles

Children's rights
are:

Universal
Indivisible
Inalienable

when applied to Israeli citizens, but in contradiction to the law when applied to Palestinians. The CRC is a milestone in the protection and acknowledgement

of children's rights. It is the first time international law has acknowledged children as independent human beings with rights of their own, and not simply as property of their parents. Within the 54 articles of the CRC, the status of children as rights-bearers was consolidated for the first time in the frame of an international instrument that is legally binding. The CRC embodies the four following principles: children's rights are **universal** (they apply to every child regardless of race, sex, religion or political views), they are **indivisible** (there is no hierarchy within the rights, they are equally important and interdependent) and **inalienable** (children have those rights; they cannot be taken from them). Overall, these rights are **unconditional**;

children do not have to behave in a certain way or meet certain demands in order to “merit” their rights. They apply to every child without any limitations or conditions. Nevertheless, a supportive environment is needed to cater for the rights of the child as stated in the Convention.

“Children are not mini-people. They have rights - not mini-rights.” Maud de Boer-Buquicchio, Deputy Secretary General, Council of Europe¹

In past centuries, a child was perceived simply as a miniature version of an adult and the concept of the developmental stage of childhood was widely unrecognised. Today, this perspective, especially with the establishment of the CRC, has changed, but is still far from being satisfactory; a child has to be regarded as a human being with special needs, specific rights, a person with a lower level of maturity and, therefore, in need of distinctive attention and protection.

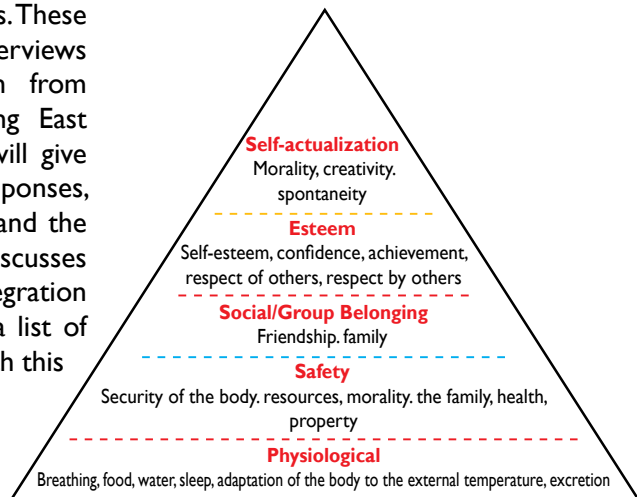
¹ Speech by Ms Maud de Boer-Buquicchio, Deputy

This report aims at giving an insight into the treatment of children in armed conflict, with a primary focus on children in detention. The first chapter gives an overview of international and national legislative frameworks that apply to the situation of Palestinian children in detention, followed by an identification of major duty-bearers and their responsibilities. The second part of the investigation will address the impact of detention on a) children, b) their families and c) their respective communities. These findings are based on in-depth interviews and focus groups with children from all over the West Bank, including East Jerusalem. The third component will give an overview on psychosocial responses, as provided by Save the Children and the EJ-YMCA, whereas the last part discusses the role of community in the re-integration process of children and presents a list of recommendations when dealing with this subject.

Child Development and Basic Needs

Children go through different stages of development. The Swiss psychologist, Jean Piaget, viewed the cognitive developmental stages as a constant re-construction of cognitive abilities provoked by external stimuli.² Furthermore, childhood is regarded as a highly diverse life phase and is not simply influenced and shaped by biological or psychological stimuli and processes, but

also, and more importantly, by **personal and environmental factors**. In conflict regions, children are exposed to very disruptive external factors that have a huge impact on their personal life, development and environment. According to the American psychologist, Abraham H. Maslow, every human being is motivated by his or her needs and these needs have different categories



Interpretation of Maslow's pyramid of needs as applicable to children

and hierarchy levels. His main premise is that adults and, to a greater extent, children have to have their lower-level or basic needs be met in order to move on to higher needs. Hence, if low-level needs such as food, clothing, water, sleep, and safety are not met, reaching higher-level needs becomes more difficult and, therefore, our potential in all areas of development is more likely to encounter stagnation.³ Furthermore, under stressful conditions, or when survival is threatened, one can "regress" to a lower need level.

Secretary General of the Council of Europe. Heading to the "Justice for children Decade"? FRA Conference on "Ensuring justice and protection for all children", Brussels, 7-8 December 2010. URL: http://www.fra.europa.eu/fraWebsite/attachments/FRC10_speech_Maud%20de%20Boer%20Buquicchio.pdf (last access: 24th June 2011)

² Piaget, J. and Inhelder, B. (1966). *The Psychology of the Child*. London: Routledge & Keegan Paul.

³ Maslow, A. H. (1954). *Motivation and Personality*. New York: Harper & Row. 15-31.

Other crucial factors in the development of children are: **trusting relationships, positive guidance** by family or a healthy environment, a **secure and stable environment** itself, **play and leisure** to develop and discover personal abilities, as well as the structures and working processes of their surroundings. In armed conflict regions, or in (chronic) emergency situations, these needs are severely and continuously put in danger, leading to a disruptive environment and therefore to a far from ideal frame for the healthy development of children.

Methodology and Objectives

The findings of this report are based on the following methodological approach:

Desk review and focus group discussions

Firstly, relevant literature, reports, surveys, statistics and background information by various sources have been reviewed.

Further, the report is based on background documents on detained and formerly detained children, which Save the Children and the EJ-YMCA collected and analyzed for the evaluation of the **Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme**. Hereunder fall:

- The Baseline Study, which was conducted in June 2009, and involved 186 ex-detainee children, 104 families and 58

members of CBOs;

- The Post Assessment Survey, which was conducted in May 2010 and involved 173 ex-detainee children, 89 families and 73 members of CBOs;
- The Mid-term Evaluation report, which was conducted in March 2011 and involved 38 ex-detainee children, 39 mothers of ex-detainee children as well as in-depth interviews with programme counsellors and CBO members;
- The Final Evaluation report, which was conducted in June 2011 and involved 39 ex-detainee children.

One major component was the Final Evaluation, which includes a series of focus group discussions with ex-detainees, EJ-YMCA counsellors, school counsellors, and community members selected from 11 districts. Furthermore, individual interviews were conducted with Save the Children, MoDEDA, MoSA, TRC and DCI-PS. In addition to focus groups with programme counsellors, school counsellors, and CBO participants, they were asked to complete a survey before the start of the focus groups to estimate percent agreement on key issues, and to verify conclusions drawn from focus groups.

Internal database review

For this report, the EJ-YMCA's progress and monthly reports, as well as the internal database of beneficiaries and achievements of the programme, have been taken into consideration.

In-depth interviews

Additionally, in-depth interviews with ex-detainee children from all over the West Bank, including from the areas of Tulkarem (1), Qualqiliya (1), Jerusalem (1), Ramallah (1), Hebron (1), Bethlehem (2) and Jenin (1) as well as in-depth interviews with families of ex-detainee children from the areas Jerusalem (1), Jenin (1), Hebron (1) and Bethlehem (1) were conducted and will give an insight into individual experiences.

The analysis of the post-detention consequences for this report was broken down into five main categories of children's environment based on five main children's rights: children's right to well-being, right to education, the right to protection from family separation, right to social and cultural life, and right to future professional career (see depiction below).

The aim of this report is to examine and present the impact of detention on children, families and their communities, as well as to present the findings on the impact of the **Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme**. In addition, the report aims to inform policy-makers to better support detainees and ex-detainee children and stimulate advocacy to protect these children through legislation and policy.

Lastly, this report is a call to end the arbitrary arrest and detention of children less than 18 years of age and to release those detained without cause and those detained on baseless charges, in adherence to the change of the Israeli military order that defines the age of a child.⁴

Following a child-rights based approach the various effects of detention have been broken down into five main categories referring to five basic child rights;

Right to
psychosocial
well-being of
the child

Right to have
and enjoy a
family

Right to
social and
cultural life

Right to
education

Right to
future
professional
career

⁴ Haaretz. (October, 2011). URL: <http://www.haaretz.com/print-edition/news/following-criticism-idf-raises-age-for-palestinians-to-be-tried-as-minors-to-18-1.388197> (last access: October 13, 2011)



Picture taken by an ex-detainee boy.

⋮ “He (the soldier raiding the house) told my father:
⋮ ‘Bring him in or we will shoot him.’
⋮

H.Y., detained at the age of 17

Children in Armed conflict

As mentioned previously, child protection, regardless of the nationality of the children in question, needs a special focus worldwide. More specifically, with regard to children engrossed in armed conflict, the measures and efforts put into the protection of child rights are of the utmost importance. Children seek protection in their networks of social support, in a stable and secure environment and in the encouragement and understanding of their surroundings. However, new political, economic and social realities in conflict-ridden societies/regions, or in (chronic) emergency situations, severely threaten the well-being of children. They undermine the external factors of a child's life, weakening or completely destroying what is needed in order to ensure a healthy environment for the most vulnerable societal demographic, children. Political crisis and socioeconomic collapse form the patterns and characteristics of contemporary armed conflicts. It is when public order is disintegrated, that a whole society, and children in particular, are exposed to the harmful consequences of armed conflicts, i.e. major physical, moral, cultural, human and social destruction. Children can be killed, injured, maimed, permanently disabled, arrested or detained during combats and clashes with military forces. Huge numbers of children in armed conflict regions are deprived of their basic material and emotional needs and torn from functioning families and social structures, adding to their psychological misery. War, armed conflicts and/or emergencies erode

"Many people around the globe say that we are raised for war, in order to justify actions against our people. To those I want to say: we were born and raised in a never ending war."

Palestinian Child



every right of a child, as stated in the CRC. The right to life, the right to be with their family and community, the right to health, the right to the development of personality and the right to nutrition and protection are the primary concerns, but are by no means the only rights which war and armed conflict infringe upon.

2005 was a groundbreaking period of development, concerning the acknowledgment of the suffering of children in armed conflict. It was then, that the UN established a monitoring and reporting mechanism (MRM), with Resolution 1612,

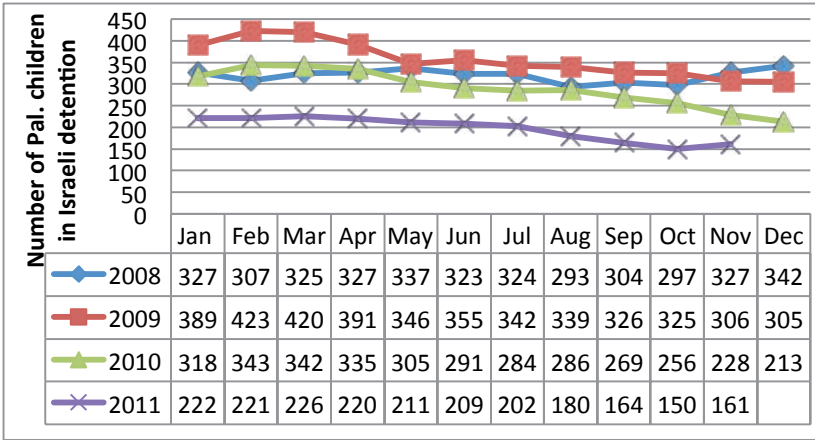
⁵ Graca Machel for UNICEF (2001). The Impact of War on Children: A Review of Progress Since the 1996 United Nations Report on the Impact of Armed Conflict on Children. URL: <http://www.unicef.org/graca/> (last access: June 19, 2011)

to report on grave violations against children in armed conflict. The monitored violations include: killing and maiming; recruitment and use of children, attacks on schools or hospitals, rape or other forms of sexual violence, abduction of children and the denial of humanitarian access. In addition to these violations, the MRM Working Group in oPt collects data on forced displacement, arrest and detention.

Children in the occupied Palestinian territories

The situation in the oPt remains alarming. Out of the total population of 4.05 Million, 41.3% are children under the age of 15.⁶ At 2.9%, the Palestinian territories have one of the highest rates of natural increase in the world. Needless to say, the pernicious

nature of armed conflict has a negative impact on the lives and the development of children. In fact, the ongoing conflict and the instability it produces **affects children's lives in all aspects**. They are subjected to a number of violations of their rights on a daily basis, including killing, maiming, torture, arbitrary arrest and detention, home demolitions, discrimination, harassment and restrictions of the movement of people and goods. They are also vulnerable to violence in their communities, homes and schools.⁷ In addition to the political circumstances in which Palestinian children have to grow up in, socioeconomic factors only add to the misery: 11% of children under the age of 5 suffer from chronic malnutrition. In 2010, 80.1% of Palestinian households had one or more children, out of which **26.9% of those children lived in poverty** and more than half of them lived in deep poverty.⁸



Total number of Palestinian children in Israeli detention at the end of each month since Jan 2008 (Note: These figures are not cumulative) – Source: DCI-PS Detention Bulletin, Issue 23, November 2011

⁶ Palestinian Central Bureau of Statistics: Child Statistics Series (No. 14, 2011). Palestinian Children - Issues and Statistics Annual Report, 2011. URL: http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1740.pdf (last access: June 22, 2011)

⁷ Save the Children, Programme Summary 2011, URL: <http://mena.savethechildren.se/PageFiles/3827/SCS%20OPT%20Programme%20Summary%202011.pdf> (last access: September 17, 2011)

⁸ Palestinian Central Bureau of Statistics: Child Statistics Series (No. 14, 2011). Palestinian Children - Issues and Statistics Annual Report, 2011. URL: http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1740.pdf (last access: June 22, 2011)

Detained children and child ex-detainees

Thousands of Palestinian children have been affected by violence related to armed conflict. The onset of the *Palestinian uprising* in September 2000 resulted in prolonged exposure to a staggering array of extreme political stressors, ranging from relentless punitive measures imposed on the occupants of the territories to the pervasive traumatic experiences of losses of life or limb, losses of freedom (e.g. detention), and losses of property (e.g. demolition of houses). Among those who were affected were children who were arrested and detained in Israeli prisons. Since the commencement of the second Palestinian uprising in 2000, the Israeli military forces have arrested and detained **over 8000⁹ Palestinian children**, many of which are as young as 12 years old. These children are interrogated, arrested and prosecuted in the Israeli military court system. Cases of ill-treatment, torture and physical and verbal harassment during detention, although alarming, are frequently reported.¹⁰ Usually children are arrested at night or in the early morning. Blindfolded and with their hands tied behind their backs, they often are forcibly taken, either to Israeli prisons or settlements within the West Bank for interrogations. These interviews, almost always take place without the child's lawyer or parents present. While in most cases the allegations concern stone throwing, a general opacity about the quality (or existence) of the evidence regarding these and other charges remains. The way minors are treated by Israeli military forces and courts is in serious

⁹ The total estimation derives from an estimated number of 700 detained Palestinian children per year. This number is based on the figures provided by the Israel Prison Service (IPS) and Defence for Children International - Palestine Section (DCI-PS)

¹⁰ Defence for Children International - Palestine Section (March 2011). Palestinian Child Prisoners. Hearing European Parliament Sub-Committee on Human Rights.



In 2010 alone, 1,200 Palestinian children were investigated on suspicion of throwing stones. The youngest boy detained in 2011 in East Jerusalem was 7 years old.

violation of the UN Convention on the Rights of the Child, the Fourth Geneva Convention, the UN Convention Against Torture and, in the case of East Jerusalem, against the Israeli Youth Law and a vast number of other human rights instruments. Detention is a very stressful experience for children, usually affecting their psychological well-being, with long lasting implications, which indicates a need for a special intervention.¹¹

¹¹ Mid-term Evaluation Report (March 2011). Save the Children-Sweden & EJ-YMCA Rehabilitation Program. Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme.




.....

D. S., detained at the age of 17

Legal framework: Detention

The detention issue can be regarded both from the perspective of International Law and the national legislative framework. This includes domestic law policies in East Jerusalem, the military orders that govern the occupied Palestinian territories and laws under the PNA. The following chapter will examine all of these aforementioned legislative sectors.




Best-interest of the child CRC, Article 3

I. 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.

International Law

There are several legal instruments on the international level that apply to children in detention (see list). However, the legal framework for child detainees is primarily covered by the CRC. The convention strongly condemns the arrest and detention of minors. In addition, the “Best-interest” principle – e.g. decisions that are being taken that could have an effect on children’s lives – has to have the child’s welfare as a paramount consideration – the CRC states in article 37b:



“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.”¹²

International Law applicable to the situation of detained Palestinian children:

UDHR, 1948: Universal Declaration of Human Rights

GCIV, 1949: (Fourth) Geneva Convention relative to the Protection of Civilian Persons in Time of War

1955: Standard Minimum Rules for the Treatment of Prisoners

ICCPR, 1966: International Covenant on Civil and Political Rights

CAT, 1984: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Beijing Rules, 1985: Minimum Rules for the Administration of Juvenile Justice

1988: Body of Principles for the Protection of All Persons under Any form of Detention or Imprisonment

CRC, 1989: Convention on the Rights of the Child

Riyadh Guidelines, 1990: Guidelines for the Prevention of Juvenile Delinquency

1990: Basic Principles for the Treatment of Prisoners

1990: Rules for the Protection of Juveniles Deprived of their Liberty

The Convention on the Rights of the Child was made available to signatories in 1989. Up to this date, the CRC is the most widely acknowledged UN treaty, with only

¹² UN Convention on the Rights of the Child, Article 37b. URL: <http://www2.ohchr.org/english/law/crc.htm> (last access: September 4, 2011)


the USA and Somalia failing to ratify the convention.

Although Israel ratified the CRC in 1991, the realization of its content is fundamentally inconsistent with the reality regarding Israel's treatment of detained Palestinian children. Whereas the CRC considers all humans under the age of 18 to be children, the **Israeli Military Law that was applied to Palestinian children until October 2011, defined a "child" as a person below 12 years of age, "youth" from 12 to 14 years, from 14 to 16 "young adults" and the age for the consideration of an "adult" was over 16.**¹³

As mentioned before, this law has recently been amended to define an "adult" as a person over 18 years of age.

However, the detention of children in the West Bank remains a systemized procedure. An average of 200-300 children is held in detention on a monthly basis.

Another legal instrument applicable to the context of child detention is the UN Convention Against Torture (CAT), as torture or ill-treatment during detention are reported in a huge number of cases.¹⁴ Torture is defined in the first article of the Convention Against Torture (CAT) as:



"(...) any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."¹⁵

Thus, four conditions constitute torture:

1. Severe pain or suffering (whether physical or mental)
2. Intentionality of infliction
3. Intent to achieve one of the purposes mentioned, including obtaining information and/or a confession
4. Done by, or with the acquiescence of, a public official

Children subjected to torture suffer from various post-traumatic effects: isolation, insomnia, anxiety, emotional and mental scars, stress disorder, anti-social behaviour, violence against younger siblings and children – the list is extensive. The impact torture has on children is far more severe

¹³ Defence for Children International - Palestine Section (2007). Palestinian Child Prisoners.

¹⁴ Defence for Children International - Palestine Section 2007. Palestinian Child Prisoners

¹⁵ UN Convention Against Torture, Article 1. URL: <http://www2.ohchr.org/english/law/cat.htm> (last access: September 4, 2011)

than it is on adults, as they are still in the developmental stages of their personality. As children have a much lower pain threshold than adults, traumatic experiences such as torture and ill-treatment will have a bigger effect on their personality, and emotional and psychological well-being. Amongst many others, one major issue facing Palestinian children in detention is the separation from their families. According to the CRC, every child deprived of his or her liberty **“shall have the right to maintain contact with his or her family through correspondence and visits¹⁶”**.

However, most Palestinian children are held in detention centres inside of Israel, where their parents are unable to visit them because of difficulties in getting a permit to travel to Israel, or financial implications that travel there would entail. This is a breach of the Fourth Geneva Convention, which defines humanitarian protection of civilians in a war zone and which strongly prohibits the forcible transfer and deportation of protected persons¹⁷ outside the occupied territories.¹⁸ As a result, families have to apply for permission, which is denied in most cases.

The following table¹⁹ gives an overview of all principles and rights that are applicable to the situation of Palestinian child detainees and the violations thereof:

Right/Principle	Human Rights Instrument and Article
General Principles	
Best-interest principle	CRC, Art. 3.1
Last-resort principle	CRC, Art. 37b
Principle of non-discrimination	ICCPR, Art. 2.1 / CRC, Art. 2 / Standard Minimum Rules, 6.1
Right to be presumed innocent until proven guilty	UDHR, Art. 11 / CRC, Art. 40.2 b.i / Standard Minimum Rules, 84.2
The aim of punitive measures are rehabilitation and reformation	ICCPR, Art. 10.3 / CRC, Art. 40.1
Children shall be accorded treatment appropriate to their age and legal status	ICCPR, Art. 10.3 / CRC, Art. 37c
Child-specific laws, procedures, authorities and institutions should be established	CRC, Art. 40.3

¹⁶ UN Convention on the Rights of the Child, Article 37c. URL: <http://www2.ohchr.org/english/law/crc.htm> (last access: September 4, 2011)

¹⁷ The Geneva Convention defines protected persons in Article 4 as follows: “Persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.” URL: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument> (last access: September 4, 2011)

¹⁸ Fourth Geneva Convention, Article 49. URL: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument> (last access: September 4, 2011)

¹⁹ Table changed and amended, original to be found in: Cook, C., Hanieh, A., Kay, A. (2004). *Stolen Youth. The Politics of Israel's detention of Palestinian children*. London: Pluto Press. 36f.

²⁰ All statements were given by ex-detainee children, who were interviewed for this report. The testimonies are attached in their fulllengths in the appendix of this report

Special measures shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence (examples of 'special measures' include: care, guidance, and supervision orders, counselling, probation, foster care, education and vocational training programmes and other alternatives to institutional care)	CRC, Art. 40.4	Voices of ex-detainees ²⁰ "My parents were allowed to come only once: I didn't see them, because it was the day they transferred me (...)"
Right to maintain communication with wider community, including family and legal counsel	CRC, Art. 37c / Beijing Rules, 26.5 / UN Rules for the Protection of Juveniles Deprived of their Liberty 59-62	
Rights Regarding Treatment		"He (the soldier) ceased the moment, started hitting me on our way out, pushing me against the wall"
Right to be free from torture, cruel, inhuman, and degrading treatment or punishment	UDHR, Art. 5 / ICCPR, Art. 7 / CRC, Art. 37a / CAT	
Right to be treated with humanity and respect for the inherent dignity of the human person	ICCPR, Art. 10.1 / CRC, Art. 37c	
Carrying and use of weapons by personnel should be prohibited in any facility where juveniles are detained	UN Rules for the Protection of Juveniles Deprived of their Liberty, 65	
Disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned.	UN Rules for the Protection of Juveniles Deprived of their Liberty, 67	"The first time I was sent to court, was after one week (...)"
Rights Regarding Arrest Procedures		
Prohibition on arbitrary arrest or detention	UDHR, Art. 9 / ICCPR, Art. 9.1 / CRC, Art. 37b	
Right to be promptly brought to court to see if detention is lawful	ICCPR, Art. 9.4 / CRC, Art. 37d	"At court, I was invisible, nobody would talk to me or let alone tell me the charges against me (...)"
Right to be informed of reasons for arrest	ICCPR, Art. 9.2	
Right to know of any charges	ICCPR, Art. 9.2 / CRC, Art. 40.2b.ii	"There was no information about what they charged me with (...)"

Right to a defence and legal counsel	UDHR, Art. 11 (1) / CRC, Art. 37d / Beijing Rules, 15.1	"(...) there was no lawyer, no judge, no nothing."
Right not to be compelled to confess	CRC, Art. 40.2b.iv	<p>"Every three months we will add three months more, until you confess", the interrogator said. I was scared to end up in prison my whole life, so I confessed on the last day."</p>
Rights Regarding Judicial Proceedings		
Non-judicial proceedings should be used whenever possible when dealing with children	CRC, Art. 40.3b	
Right to fair trial by impartial legal body	UDHR, Art. 10 / CRC, Art. 40.1b.iii	
Right to have case adjudicated as quickly as possible	ICCPR, Art. 10.2b / CRC, Art. 40.2b.iii	
Right to appeal	CRC, Art. 40.2b.v	<p>"I stayed (...) in a tiny cell with six other older inmates."</p>
Rights Regarding Pre-Trial and Post-Trial Detention		
No detention with convicted persons while pending trial	ICCPR, Art. 10.2a / Standard Minimum Rules, 8b	
No detention with adults while pending trial	ICCPR, Art. 10.2b / CRC, Art. 37c / Standard Minimum Rules, 8d	
No detention with adults after sentencing	ICCPR, Art. 10.3 / CRC, Art. 37c / Standard Minimum Rules, 8d	
Detention with same category of prisoners	Standard Minimum Rules, 8	<p>"I have a problem with my respiratory system which leads to major breathing problems (...). I got sick in prison (...) but my request to see a doctor never went through."</p>
Conditions of detention shall be hygienic	Standard Minimum Rules, 12-13	
Right to medical care	UN Rules for the Protection of Juveniles Deprived of their Liberty, 49-55 / Beijing Rules 26.2	
Detainees shall be provided food sufficient for maintaining good health; food should be of quality and well prepared	Standard Minimum Rules, 20.1	
Right to practice religion while detained	Standard Minimum Rules, 41-42	
Right to pursue education while detained	UN Rules for the Protection of Juveniles Deprived of their Liberty, 38 / Beijing Rules, 26.2, Standard Minimum Rules, 77	<p>"We had no education whatsoever in prison. We didn't even have books. All that we could do was sleep and eat, think, think and think some more (...)"</p>
Right to pursue vocational training	UN Rules for the Protection of Juveniles Deprived of their Liberty, 42	
Right to recreation and daily exercise in open air, where possible	UN Rules for the Protection of Juveniles Deprived of their Liberty, 47	

National legislative framework

This chapter explains the national legislative framework and the differences between laws applied to children in East Jerusalem and those living under occupation in the West Bank.

Israel

Following the year 1967 and with it the start of the Israeli occupation, Israel seized control over the West Bank and the Gaza Strip, thereby imposing a huge number of military orders. Only East Jerusalem submits to the Israeli Domestic Law. Therefore different rules apply to children in the West Bank and in East Jerusalem.

West Bank

The military courts in the West Bank are not intended to function as a comprehensive legal system. They must be understood as the “judicial arm”²¹ of the occupying power, which means that the emphasis lies more on security than on justice. Its purpose lies in imposing the Israeli perception of security on the Palestinian population in the occupied areas. This also explains why they lack the necessary tools to target root causes, instead only issuing punishment sentences (other than rehabilitation and general deterrence this could include probation service, public or community services and other alternatives to detention, imprisonment and fines).

²¹ Weill, S. International Review of the Red Cross. The judicial arm of the occupation: The Israeli military courts in the occupied territory. Volume 89, Number 866. URL: http://www.icrc.org/eng/assets/files/other/irrc_866_weill.pdf (last access: September 18, 2011)



IDF soldiers detained H. Y. in the middle of the night. Up to this day rifle marks on the door remind the family of the invasion of “dozens of masked soldiers” into their house.

Children arrested by Israeli military personnel are perceived as offenders against the ‘security’ of the Israeli State and are subsequently prosecuted under the Israeli military system in military courts; a system which also prosecutes Palestinian adults. Until October 2011, Israeli Military Order 1676 (former Military Order 132) defined a Palestinian child as a person under the age of 16, and those children over the age of 16 were sentenced and put in prisons with adults.²² Following the pressure of various human rights organizations, Israel changed this order to define all persons under the age of 18 as children.²³ Palestinian children are subjected to the same arrest, interrogation, trial and imprisonment procedures as adults. **The Military Law as applied to**

²² No legal frontiers. URL: <http://nolegalfrontiers.org/en/general-information/juvenile-military-courts> (last access: August 17, 2011).

²³ Haaretz. (October, 2011). URL: <http://www.haaretz.com/print-edition/news/following-criticism-idf-raises-age-for-palestinians-to-be-tried-as-minors-to-18-1.388197> (last access: October 13, 2011)

the occupied Palestinian territories differs from the Law applied in the State of Israel. For example, the period of time a detainee can be held in detention before being brought before a court is 8 days, compared to 24 hours under Israeli domestic law and a maximum of 12 hours for minors under 14 years of age.²⁴ Also, while a Palestinian detainee from the oPt can be held in detention pending the completion of his or her trial for up to two years, in Israel this period is limited to a maximum of 9 months.

Until recently, the age of majority for Israelis was different from the age of majority for Palestinians in the oPt. While the definition of a child under Israeli domestic law is in harmony with the CRC, the age when Palestinians in the West Bank are considered to be adults before the law was 16, until October 2011, when the Israelis succumbed to international pressure and petitions by humanitarian organizations, to raise the age for Palestinians to be treated as minors up to 18.²⁵ In almost all cases, children detained in the West Bank are transferred to prisons and detention centres within Israel, which creates considerable obstacles for families to visit child detainees, as they need permits to enter the State of Israel, which in most cases are denied to them. It has to be emphasized that the transfer of detainees outside the occupied area breaches International Law, more particularly the Fourth Geneva Convention.

Under military law, any soldier is authorized to arrest persons suspected of violating the order without a warrant. The procedure of these arrests is usually severe: in almost all cases, dozens of armed, often disguised



A. D. was detained for 20 months at the age of 15 years. Regarding her time after release she says: "I was very introverted and isolated; I never wanted to go out and meet people."

soldiers burst noisily into the family's house; they conduct searches and drag the suspect out of his or her bed. Blindfolded and handcuffed, the suspects are then taken for interrogations to detention centres. **The style of these arrests does not take personal circumstances or the level of offence into consideration; minors suspected of stone throwing are treated in the same way as adults suspected of terrorism.**

A huge difference can also be found when inspecting **the judicial treatment of settlers** – inhabitants of settlements that are considered illegal under International Law. Although the security legislation empowers the judiciary in the West Bank to try any person who commits an offence within their area or jurisdiction, practically the military courts deal solely with cases relating to Palestinian residents, while cases involving settlers (whether allegations concern criminal or security offences) are dealt with in the civilian courts within Israel.

²⁴ No legal frontiers, URL: <http://nolegalfrontiers.org/en/general-information/the-military-courts> (last access: August 17, 2011).

²⁵ Haaretz. (October, 2011). URL: <http://www.haaretz.com/print-edition/news/following-criticism-idf-raises-age-for-palestinians-to-be-tried-as-minors-to-18-1.388197> (last access: October 13, 2011)

East Jerusalem

In East Jerusalem the treatment of detained minors routinely contravenes the Youth Law, as amended in 2008. Since Israel considers East Jerusalem to be annexed, its inhabitants are therefore bound to the Domestic Law of Israel. The Youth Law was amended in 2008 to bring Israeli statutory law on the adjudication of juveniles in line with international law.

In 2010 alone, 1,200 Palestinian minors were investigated on suspicion of throwing stones, according to a report by the Association on Civil Rights in Israel (ACRI) on the violations of the Youth Law in East Jerusalem.²⁶ The Youth Law grants special protection to minors; for example, a minor suspected of committing a criminal offence is entitled to consult with a parent or another relative prior to being interrogated, and to have the parent or relative present during interrogation. Article 9f(a) emphasizes that **“A minor suspected of committing a criminal offence will be summoned for questioning and will be interrogated with the knowledge of his parent (...)”**. Generally, summons given out to minors are a rarity in East Jerusalem. Almost all cases researched by ACRI, as well as those investigated by Save the Children, indicate that the children were either taken from their homes in the middle of the night or arrested on their way to school.

The Law also prohibits interrogating a minor at night by stating that a minor should not be arrested if the objective can

be achieved in a less harmful way. However, this part does not address the *detention* but only the *interrogation* of a child. The law prohibits the *interrogation* of a minor at night, except in instances when the questioning is conducted at the time the minor is detained, or with the consent of the minor and his or her parent, or when it concerns a serious offence. According to ACRI's report, some of the parents were willing to bring the minors in for interrogation the next morning, making a night arrest unnecessary. Both the ACRI report, and a report done by the Israeli human rights organization B'Tselem in December of 2010, show that when it concerns children under the age of 14, in most cases **parents were not allowed to be present during their child's interrogation**. Despite the fact that the law doesn't allow parents to interfere with the investigation, interrogators nonetheless stretched the provision of said law. According to B'Tselem²⁷, parents were compelled to sign an agreement prohibiting them to speak with their children, or were seated behind their children to prevent eye contact between the two. **In one case, a father was removed after he asked, at the beginning of the interrogation, why his son's face bore signs of violence.**²⁸

The age of criminal responsibility pursuant to the Police Ordinance “Police Conduct regarding Minors”, Article 3b(1), is 12 years. It states that “A minor without criminal responsibility who is suspected of committing an offence should be treated

²⁶ Association for Civil Rights in Israel (ACRI) (March 2011). Violations of the “Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971” by the Israeli Police in East Jerusalem. URL: <http://www.acri.org.il/en/?p=2428> (last access: August 21, 2011)

²⁷ B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories Caution: Children Ahead (December 2010). The Illegal Behavior of the Police toward Minors in Silwan suspected of Stone Throwing. URL: http://www.btselem.org/publications/summaries/201012_caution_children_ahead (last access: August 21, 2011)

²⁸ Ibid.

as a witness. He should not be arrested, nor should a criminal file be opened against him (...). However, the collection of testimonies given to different human rights organizations operating in East Jerusalem show that children younger than 12 years old have been arrested, interrogated and in some cases even subjected to violent behaviour by the police.²⁹ Inconsistent with Article 10b of the Youth Law, almost all cases documented involved minors being handcuffed. Interviews with children undertaken by Save the Children³⁰ confirm this. In contradiction to its reality, the Law states that “A decision will not be made to handcuff or shackle an arrested minor if it is possible to achieve the same goal in a less harmful way (...)”. Many of these children reported having born marks from handcuffs that were too tight even days later.³¹ Also, children were not allowed to consult with their parents before the interrogation, as the law specifies. The table below shows the specific sections of the Youth Law, which are not respected by the police with regard to minors from East Jerusalem.

²⁹ E.g. Haaretz (May 2011). URL: <http://www.haaretz.com/news/national/police-detain-7-year-old-palestinian-boy-and-accost-relatives-family-members-say-1.364828> (last access: August 21, 2011);

Wadi Hilweh Information Center - Silwan (March 2011). URL: <http://silwanic.net/?p=13100> (last access: August 21, 2011);

Association for Civil Rights in Israel (ACRI) (March 2011). Violations of the “Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971” by the Israeli Police in East Jerusalem. URL: <http://www.acri.org.il/en/?p=2428> (last access: August 21, 2011);

³⁰ Testimonies to be found in appendix of this report.

³¹ Ibid.



Picture taken by an ex-detainee boy.

Table below: Police Violations of Rights of Minors in East Jerusalem as (mainly) enshrined in the Israeli Youth Law (The table is based on the translation of the relevant articles and the findings of the ACRI report, 2011)

Summons for Questioning by the Police	Youth Law, Article 9f(a) “A minor suspected of committing a criminal offence will be summoned for questioning and will be interrogated with the knowledge of his parent (...)”
Juvenile Arrest as a Last Resort	Youth Law, Article 10(a) “No decision shall be made to arrest a minor if it is possible to achieve the goal of arrest through means that are less damaging to his liberty; and any such arrest will be for the shortest possible period of time required to achieve that goal; in any decision to arrest a minor, the suspect’s age and the impact of the arrest on his physical and mental well-being and development must be taken into account.”
Parental Presence in Interrogation of Minors	Youth Law, Article 9h(a) “A suspected minor... is entitled to have a his/her parents or other close relative present at the interrogation, and is similarly entitled to consult with them, preferably before the start of the interrogation (...)”
Arrest and Interrogation at Night	Youth Law, Section 9j “A minor suspected of a crime should not be interrogated at the police station at night (...)”
Handcuffing of a Minor in a Public Place	Youth Law, Article 10b “A decision will not be made to handcuff or shackle an arrested minor if it is possible to achieve the same goal in a less harmful way; any such handcuffing of a minor will last for the shortest time required to achieve the above goal; in deciding to handcuff a minor, the officer must take into account the suspect’s age and the effect that handcuffing will have on the minor’s physical and mental well-being.”
Delay and Arrest of Minors Under the Age of Criminal Responsibility	Penalty Code, 1977, Article 34f “A person shall not be held criminally responsible for acts committed before he was twelve years old.” Police Ordinance “Police Conduct regarding Minors”, Article 3b(1) “A minor without criminal responsibility who is suspected of committing an offence should be treated as a witness. He should not be arrested, nor should a criminal file be opened against him.” Police Ordinance “Police Conduct regarding Minors”, Article 3b(2) “It is permitted to detain a minor who is under the age of criminal responsibility, for the purpose of examining his details or having him meet with a child-welfare officer invited into the investigation.”



National legislative framework: Palestinian National Authority³²

The Israeli occupation poses an obstacle to the governance abilities of the PNA. The fragmentation of the Palestinian territory into Areas A, B and C, as well as the lack of territorial continuity between the West Bank and Gaza (and even within the West Bank itself), limits the PNA's jurisdiction. Nonetheless, efforts have been made to ensure the integration of the UN CRC, as a means of improving child protection under Palestinian jurisdiction.

That being said, the legislative framework that regulates child protection at the domestic level within the PA still lacks effective protection. In 2004, the PA passed

the Palestinian Child Law (PCL) to protect the rights of children by consolidating and coordinating efforts between the different ministerial entities of the PA. However, the scope of its protection for children should be expanded. The PLC lacks efficiency regarding the appointment of responsible duty-bearers, and does not stipulate precise penalties for violations of the law.³³

The number of children in conflict with the law in the oPt is **drastically increasing**. MoSA, which is the main body responsible for overseeing child protection mechanisms in the oPt, reported 1,960 cases of children

³² This section is a shortened excerpt, first published in: Save the Children. Child Rights Situation Analysis (CRSA). Occupied Palestinian Territory - 2011. 91-95.

³³ This Week in Palestine. Issue 154. February 2011. URL: <http://www.thisweekinpalestine.com/details.php?id=3326&ed=191&edid=191> (last access: September 5, 2011)

accused of being in conflict with the law in 2009, three times the number of alleged cases in 2007. Data from Gaza was not available for the period 2007-2009. The most common offence was theft and/or destruction of property, and 3-5% of children were charged with sexual/physical assault. The number of accused girls is very low. **90% of children arrested and charged are male.** While poverty is the main motivation for children to act in conflict with the law, a normalization of violence, problematic family situations, and repressive religious and cultural traditions contribute to the phenomenon.

The Ministry of Social Affairs is the main body responsible for overseeing the oPt's child protection mechanism, but it does not have a sufficient number of protection centres or officers under its supervision to fully accommodate the number of children who require protection. Likewise, collaboration with other governmental and non-governmental bodies (e.g. to strengthen inter-ministerial child protection policy) leaves much to be desired. The oPt also lacks an adequate juvenile justice system, as the mechanisms that exist for dealing with children in conflict with the law are outdated, and its protection methods and resources do not meet international standards.

Art. 40 of the CRC lists a number of safeguards that should be ensured when children are deprived of their liberty. So far these haven't been implemented yet by the Palestinian Authority. The two old regulations, from the Egyptian and Jordanian administrations, enforced respectively in the Gaza Strip and West Bank, are driven by a philosophy that sees children in conflict with the law as criminals and tends to punish them instead of offering

necessary social support. This is a major factor contributing to the deplorable situation of juvenile delinquents. The main document referring to the West Bank is the "Ordinance of Reforming Juveniles No. 16, Jordan, 1954"; whilst the following laws play a central role in regulating issues in the Gaza Strip: "Juvenile Offenders Ordinance No. 2 of 1937 as amended by Juvenile Offenders Ordinance No. 31, Egypt, 1938", "Rules of Trial of Juvenile Offenders, British Mandate, 1937/1938/1941" and "Regulations of Prisons and Reformatory Schools, Chapter 117, Article 12, British Mandate, 1932".³⁴ The use of terminology in the law reinforces such beliefs. The law in Gaza labels children in conflict with the law as "criminals", and those in the west Bank as "juvenile delinquents".³⁵ As a result, these outdated systems of laws are insufficient in embodying some of the fundamental principles of the international standards on juvenile justice and, therefore, are ill-equipped to meet those guarantees provided by the CRC and other international documents.

Worryingly, the PLC also does not properly address the substantial **loopholes in the current systems** in place, in both the West Bank and Gaza Strip. In fact, **only 3 of the 75 articles of the Child Law are dedicated to juvenile offenders.**³⁶ They describe principles such as the prohibition of cruel treatment, the necessity of establishing special measures in dealing with children and the duty to treat children in a manner appropriate to their age and dignity. However, these articles do not allocate legal accountability onto duty-bearers or identify detailed procedures to

³⁴ For a complete analysis of the law currently in place see DCI-Palestine, Juvenile Justice Annual Report, 2006.

³⁵ Particip and Soges (June 2010). A study of juvenile justice in the occupied Palestinian Territory.

³⁶ See art. 67-69.



follow. Thus, in order to be enforceable, the Child Law requires additional articulation by relevant official institutions.³⁷

Very little has changed following the enactment of the Palestinian Child Law because of the aforementioned regulatory inadequacies. The finalization of the ongoing drafting process of a new Palestinian juvenile justice bill in line with international standards has a long way to go.

To worsen the situation, the already defective safeguards enshrined by the Jordanian and Egyptian regulations are not properly enforced by governmental actors. Due either to the inactivity of police officers or difficulties in transferring children from

one area to another, as a result of the zoning system imposed over the West Bank by the Israeli government, means children are likely to be kept in police stations or prisons along with adults. Moreover, the lack of expertise in the MoJ leads to the systematic non-application of the existing measures, such as in camera trial and in the establishment of juvenile chambers, procedures in line with international standards. The role played by the MoSA does not improve the situation. The severe lack of financial and human resources and the deficient cooperation among West Bank and Gaza branches prevent the ministry from legally and socially assisting juvenile offenders. As a result, there is a perennial shortage of probation officers and juvenile rehabilitation centres.

Despite the national endorsement of the

³⁷ See "Child Protection in the Occupied Palestinian Territory Structures, Policies and Services", the Institute of Community and Public Health Birzeit University and the National Plan of Action Secretariat, unpublished report, April 2006. 45.

CRC by the PNA, current policies on juvenile justice do not reflect international standards. In fact, the Palestinian community is more likely to stigmatize the dishonourable behaviour of children and systematically marginalize them, rather than supporting them by means of recognizing and reducing the social inflections that lead to their behaviour.³⁸

Due to the complexity of the issue, the three main relevant ministries for juvenile justice – MoSA, Mol and MoJ – should be cooperating closely and following internal and inter-ministerial policies addressing juvenile offenders.³⁹ However, this is not the case. As a result, no juvenile departments or juvenile courts have been established among the police and judicial forces.⁴⁰ Rules that deal with children in the absence of specialized juvenile chambers are also missing. With regards to MoSA, there have been some recent positive steps in the improvement of juvenile justice. The current leadership has been taking reform and institutionalization issues very seriously. In 2010, MoSA, in collaboration with the office of the Representative of the EU and EUPOL COPPS, undertook

a comprehensive structure and needs assessment of PNA authorities dealing with juvenile justice and provided a plan based on the cited report.⁴¹

The lack of an adequate legal framework, in terms of both laws and policies, is



³⁸ Interview with Daoud Darawi, DCI Palestine, lawyer. Ramallah, May 7, 2008. See also interview with Farid Alafsh, the Palestinian Independent Commission for Citizens' Rights, field researcher. April 8, 2008.

³⁹ Granted, there is a legal provision that calls for the establishment of a juvenile court. However, the only difference with the adult court seems to be that the trial would be carried out behind closed doors. There is no juvenile judge appointed or other special measures applied. Worryingly, even this minor guarantee does not apply when the crime has been committed by the child together with adults. A representative of the PICCR stated how the lack of internal policy negatively effects protection of children, see interview with Farid Alafsh, Palestinian Independent Commission for Citizens' Rights, field researcher. April 8, 2008. During the interview he stated that, for example, police officers from Bethlehem (directly from the Mol) are not in cooperation with those from Ramallah.

⁴⁰ Ibid. at p. 45. However, according to this source "there are individual policemen unofficially responsible for dealing with juvenile justice issues according to broad imperatives rather than specific policies or procedures".

exacerbated by the inefficiency and fragmentation of the PNA in providing appropriate legal and social support to children. Firstly, those safeguards that are already enshrined in the national laws,

⁴¹ Particip and Soges (June 2006). A study of juvenile justice in the occupied Palestinian Territory.

insufficient as they may be, are not even fully enforced by relevant stakeholders. In the absence of **appropriate implementation of the international standards**, the PNA is the body primarily accountable for the violation of the basic



rights of Palestinian children once they enter the juvenile justice system. As a matter of fact, the **drafting process of a new and unified Juvenile Justice law was started in 1999.**⁴² Governmental

⁴² Ministry of Planning and UNICEF, Child Protection in the Occupied Palestinian Territories: a National Position Paper; Logo Production, Jerusalem, Occupied Palestinian

branches in both the West Bank and Gaza Strip, UNICEF and the main legal Palestinian NGOs have been involved in developing a bill that enshrines the vast majority of safeguards provided internationally.

Save the Children's work regarding Juvenile Justice under Palestinian Jurisdiction

As mentioned before, the rights of children in conflict with the law are currently being violated on a regular basis. To fill the legal gap, the main governmental and non-governmental players should push the government to streamline the existing legal framework according to international standards, in order to offer juvenile offenders a minimum level of protection. This can be achieved through restructuring, institutionalizing and supporting the development and protection of children's rights. Save the Children works to improve the juvenile justice system in the oPt. In the following projects, Save the Children brings together its implementing partner organizations to foster local networking on the one hand, and to prevent child rights violations of vulnerable groups, and facilitate their reintegration into their communities on the other.

Child Protection through Art and Literature

With the project "Child Protection through Art and Literature", Save the Children aims at working with children who are in conflict with the law in Bethlehem and Ramallah.

Territories, June 2005 p. 59.

The targeted children have committed criminal offences and are kept in juvenile delinquent rehabilitation centres. The project provides a space for those children to discover their capacities and to enhance their self-esteem and expression abilities. In this way they can then articulate their needs and weaknesses and thus overcome them through expressive art activities as a tool of self-protection. The activities conducted with children include different expressive art activities including singing, writing poetry, theatre, music activities and book discussions in the libraries. The project also aims to build the capacity of social workers, youth teams and to conduct summer camps to help cultural and educational development, as well as to enhance networking among related sectors. The overall objectives are to strengthen civil society and help promote the prioritisation and adjudication of children's rights within the Palestinian community.

Child Justice

As stated previously, the Palestinian Juvenile Justice system has severe shortcomings that result in poor enforcement of international standards of child protection in the oPt. In light of this situation, Save the Children works to fill gaps and create more comprehensive mechanisms to ensure the protection of children's rights, with a special focus on children in conflict with the law. The aim of the Child Justice project of Save the Children is to improve the protective environment for children within the PA and to improve the accountability of duty-bearers (such as PLC, judges, prosecutors, law enforcement officials and relevant ministries) under both PA and Israeli jurisdiction. Hence, the two

partner organizations monitor, document and report on violations of the rights of children in conflict with the law and child victims of violence. They also defend the rights of children in conflict with the law by legally representing children and giving legal advice to their parents through lawyers, in so doing advocate for the fulfilment of Palestinian children's rights. The activities under this project concentrate on improving the protection of children in conflict with the law through three main pillars: capacity building of relevant actors, evidence-based lobbying and advocacy aimed at better protection policies and practices, as well as legal representation and consultation.

"In the two prisons where limited education is provided, a single Arab-Israeli teacher enters the prison to teach. The children are not separated based on age or ability and are only given exercise books and pencils for the duration the class and then made to return this equipment at the end of the lesson. The education provided in prison is not compulsory" Defence for Children International, Palestine Section

Psychosocial Rehabilitation of Children in Conflict with the Law

The *Psychosocial Rehabilitation of Children in Conflict with the Law* is a project that targets children who are in conflict with the law. An intervention on a psychosocial level takes place with the objective of supporting these children to reintegrate back into their societies. The children in need of psychosocial intervention will get

psychological support and counselling. Not only does it target the concerned children, but also their families, to improve their knowledge on effective ways to deal with their children, achieved through psychological support and counselling. On a broader level, Save the Children builds the psychosocial capacities of social workers and psychologists working in the juvenile centres, as well at the MoSA, including probation officers. In addition, Save the Children lobbies and advocates for the improvement of conditions and services to children in juvenile centres by bringing this issue to national duty-bearers, mainly ministries, to raise awareness on the issue.

Role of Major duty-bearers

In compliance with the legislative frameworks and in addition to the main duty-bearer, Israel, as the occupying power, there are three other important duty-bearers regarding the child detention issue: governmental Palestinian bodies, civil society actors and the family unit. Although actors fail in meeting their (international and national) obligations, occasionally one phenomenon can be observed, in which detention, as such, is partially perceived as a heroic means of resisting the Israeli occupation. The severe mental, emotional and sometimes physical implications of detention are therefore underestimated, leading detainees (especially children) to believe that an outcry for help after detention is shameful and a sign of either personal weakness or a lack of solidarity with the Palestinian cause. Hence, it can be emotionally very confusing for a child to seek help and support after detention.

Israeli Authorities

Israel, as the occupying power in the West Bank, East Jerusalem and Gaza, has responsibilities towards the occupied people, as codified in The Hague Convention and the Fourth Geneva Convention. Other than maintaining the security of the territories and ensuring public order and safety⁴³, Israel has an obligation to safeguard the welfare of the local population. As a signatory of the UN CRC, the State of Israel is urged to adopt, protect and implement the principles, as stated in the treaty's bylaws. Whereas the UN CRC is consistently applied to Israeli children, this is not the case for Palestinian children living in the West Bank and East Jerusalem. However, starting in November 2009, a Military Youth Court in the West Bank was established, but it lacked sufficient impact on the ground for Palestinian minor detainees, according to a report by B'Tselem.⁴⁴ **Even when it comes to providing educational services, during and after detention**, the Israeli government fails to implement international standards; DCI-PS reports that only 2 of the Israeli prisons in which Palestinian children are held offer education and even there the service is by no means sufficient to guarantee the fulfilment of children's right to education.⁴⁵

⁴³ Foundation for Middle East Peace. Israel Required by International Law to Protect Palestinians Under Occupation. URL: <http://www.fmep.org/reports/archive/vol.-4/no.-3/israel-required-by-international-law-to-protect-palestinians-under-occupation> (last access: September 19, 2011)

⁴⁴ B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories (July 2011). No Minor Matter: Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing. URL: http://www.btselem.org/download/201107_no_minor_matter_eng.pdf (last access: September 19, 2011)

⁴⁵ Defence for Children International (2009). Education in chains: Gaps in Education Provision to Children in Detention. An Overview of the Right to Education of Children in Detention. URL: <http://www.defenceforchildren.org>

In this regard, it is important to note that, according to MoEHE, no systematic cooperation has been built between this ministry and Israeli authorities and, consequently, they are unable to overcome the loss of months, and sometimes years, of education of the many children detained in Israel.⁴⁶ The current Minister of Education has never been allowed by Israeli authorities to visit the prisons.⁴⁷

Governmental Duty-Bearers: MoDEDA, MoSA and MoEHE

In terms of its governmental obligations within, efforts in favour of the rehabilitation of child ex-detainees are put into a legislative framework within the Prisoner's and Ex-Prisoner's Law. It allocates to the PA the duty of "*offering psychosocial services to child ex-detainees in order to facilitate their rehabilitation and re-integration within society*".⁴⁸

Two major ministries can be identified as key players in dealing with ex-detainee children: the Ministry of Detainees and Ex-Detainees Affairs (MoDEDA) and the Ministry of Social Affairs (MoSA). However, both ministries lack efficiency in providing help to a high number of Palestinian child ex-detainees. MoDEDA is the primary duty-

bearer when it comes to child detainees and ex-detainees and is responsible for providing financial, legal, psychosocial, and medical support. At the moment, despite not being legally bound to provide help to child ex-detainees, a number of children are beneficiaries of MoSA's service provision, as they are directed to support vulnerable groups of Palestinian children through community outreach activities.

In the past couple of years, a number of activities and services once provided by MoDEDA were cut due to a lack of funding. For example, whereas MoDEDA allocated (the already very low number of) three social workers⁴⁹ to address cases of child ex-detainees through psychosocial counselling, in cooperation with MoEHE for the return to school and vocational training/career counselling, currently, there are no social workers operating in the West Bank at all.⁵⁰ Furthermore, PA actors fail in enforcing preventive programs that aim to prevent children from acting against the law.⁵¹ In particular, MoDEDA, due to a lack of funding, has cancelled the Child and Youth Department, which was responsible for establishing prevention and rehabilitation for Palestinian child detainees.⁵²

Family Unit

Since family members are usually the closest to the detainees, they are the ones who can most effectively support and understand the feelings and concerns of their children. Parents are legally the responsible parties in overseeing a child's well-being. Their influence on, and obligations towards,

org/files/gabriella/Education-in-Detention-EN.pdf (last access: September 20, 2011)

⁴⁶ Save the Children (2008). Child Rights Situation Analysis (CRSA). Occupied Palestinian Territory - 2008.

⁴⁷ Interview with Khaled Quzmar, DCI, Legal Consultant. Ramallah, 13 July 2011.

⁴⁸ Save the Children (August 2008). The Social Rehabilitation of Palestinian Child Ex-Detainees: A long Run to Freedom. A report to assess Palestinian children's needs and rights after detention. URL: <http://sca.savethechildren.se/Documents/Resources/The%20Social%20Rehabilitation%20of%20Palestinian%20Child%20Ex-Detainees%20%28ENGLISH%29.pdf> (last access: September 19, 2011)

⁴⁹ Ibid.

⁵⁰ Save the Children (2011). Child Rights Situation Analysis (CRSA). Occupied Palestinian Territory - 2011.

⁵¹ Interview with Saleh Nassal, MoDEDA, Minister Consultant, Ramallah, 13 July 2011.

⁵² Ibid.

children cannot be underestimated. The findings on the impact of child detention on families show that parents either do not know how to cope with the aftermath of their children's detention (if they are aware of the potential psychosocial repercussions that effect their child in the first place), or that they get overprotective and restrictive when dealing with their ex-detainee children, adding to their overall distress.⁵³ This is not constructive, as it is an additional obstacle in the re-integration of child ex-detainees. The general insecurity of parents, as suggested by research findings, could indicate that parents in general are not sufficiently equipped to support their children.

As Save the Children's report, "A Long Run to Freedom",⁵⁴ already proposed, the conclusion can be made from these findings that parents do not choose to neglect their obligations, but the Palestinian political context and their personal suffering inhibits an adequate fulfilment of their parental duties. Accordingly, rather than being accused, the family should be supported in, and guided towards, building better and more adequate skills to approach the issues connected with the detention of their child.

Civil society actors

Even though the protracted conflict with Israel has taken its toll on the Palestinian society, its civil society sector succeeded

in maintaining its dynamism and vitality. A vast number of organizations are working in many social fields in order to improve and/or support the efficiency, recovery and potential of the Palestinian society.

There are two main organizations focusing on the rehabilitation and re-integration of Palestinian ex-detainee children, namely EJ-YMCA and the TRC. The EJ-YMCA works with ex-detainee children and their parents and communities to make it easier for these children to find a way back into their societies. The EJ-YMCA achieves this through the work of a vast number of social workers and counsellors in 11 offices throughout East Jerusalem and the West Bank. TRC is specialized in working with mental health issues and the prevention of torture. In addition to social workers and counsellors, this goal is pursued through psychologists and psychiatrists, e.g. through individual psychotherapy and counselling activities. TRC and the EJ-YMCA offer activities all over the West Bank, using the latest tools of psychosocial science.

Other organizations, such as DCI-PS and Addameer, focus on legal assistance and representation of Palestinian detainee children. Addameer focuses on prisoner's support in general, whereas DCI-PS pays special attention to the promotion and protection of the rights of children according to international standards. DCI-PS also has a very strong advocacy component to their work, addressing duty-bearers and the international and national community to ensure the rights of children in detention. The work done by the International Committee of the Red Cross (ICRC) also warrants mentioning, as they visit prisons and investigate prison conditions in war and conflict situations.

⁵³ See chapter Impact of Child detention on families.

⁵⁴ Save the Children (August 2008). The Social Rehabilitation of Palestinian Child Ex-Detainees: A long Run to Freedom. A report to assess Palestinian children's needs and rights after detention. URL: <http://sca.savethechildren.se/Documents/Resources/The%20Social%20Rehabilitation%20of%20Palestinian%20Child%20Ex-Detainees%20%28ENGLISH%29.pdf> (last access: September 19, 2011)

Lessons learned and recommendations

To the Israeli Authorities:

- Ensure that no child is detained inside Israel in contravention of Article 76 of the Fourth Geneva Convention, stating that



“Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtained in prisons in the occupied country;”

- Ensure full compliance with international human rights standards by prohibiting all forms of violence against children including torture and ill-treatment;
- Enforce the national legal framework in a non-discriminatory way. The Youth Law and its amendment should be applied to Palestinian children in East Jerusalem;
- Ensure that no child is being interrogated in the absence of a lawyer of their choice and family member;
- Ensure that all interrogations of children are audio-visually recorded⁵⁵;
- Ensure full compliance with the Convention Against Torture including article 20, which allows the Committee Against Torture to visit Israel and investigate evidence it receives about the systematic practice of torture;
- Ensure that all evidence suspected of being obtained through ill-treatment or torture be rejected by the military courts;
- Ensure that all credible allegations of ill-treatment and torture be thoroughly and impartially investigated;
- Prohibit, by law, the administrative detention of children⁵⁶;
- Ensure the use of detention as a measure of last resort and for the shortest appropriate period of time;
- Ensure that individuals who commit abuses against children during arrest, interrogation and detention are held accountable;
- Ensure that no child is arrested at night;
- Always consider the best interest of the child, for instance by developing alternatives to detention and a child-friendly approach towards children that are being detained;
- Ensure an adequate implementation of the UN Convention of the Rights of the Child in prison, safeguarding the right to health, play, education and protection.

⁵⁵ DCI-PS. Detention Bulletin – September 2011. Issue 21. URL: http://www.dci-palestine.org/sites/default/files/detention_bulletin_sep_2011.pdf (last access: September 18, 2011)

⁵⁶ Addameer - Prisoners' support and human rights association. Administrative detention. URL: http://www.addameer.org/detention/admin_deten.html (last access: September 18, 2011)

To the Palestinian National Authority:

- Advocate for Palestinian children and protect their rights;
- Ensure that children are not being detained along with adults and that police forces are adequately trained on how to deal with children in a manner that respects their age, status and best interest;
- Establish a child-friendly juvenile department within police stations to host children during pre-trial periods and while waiting for Israeli authorization to transfer the child from the station to the juvenile detention centre;
- Facilitate re-integration of ex-detainees in their societies and in the educational system, for example by amending the practice, which does not allow children to continue the school year after a certain percentage of absent days;
- Facilitate and improve the implementation of a referral system so children get appropriate care;
- Implement a legal framework for ex-detainees, considering them as special students and help them reintegrate into the school system;
- Install and improve vocational training programmes, traineeships and internships aimed at reintegrating ex-detainees in the labour market;
- Encourage employers to hire ex-detainee children by giving them incentives such as tax cuts or grants;
- Develop a directory that includes all community based organizations and civil society organizations who offer services to (ex-detainee) children and disseminate them among families, communities and schools;
- Raise awareness in local communities to avoid stigmatization of children that were released from prison;
- Develop a comprehensive database including all detained and formerly detained children.



Picture taken by an ex-detainee boy.

: “I will never forget how my sight got blurred when my
: blindfold was removed in Jenin. My eyes weren’t used to
: daylight anymore and they hurt until I enjoyed this pain –
: the pain of freedom.”

M. I. (detained at the age of 16) in regard of his release from prison

Briefing: Response Approach

Save the Children believes in a holistic approach when it comes to dealing with abused, exploited, neglected or vulnerable children in emergency situations. The following chapter will give a further insight into both Save the Children's and the EJ-YMCA's working approaches to elucidate the full scope of their intervention programme.

Save the Children Sweden's work approach⁵⁷

Save the Children Sweden has been working in the Middle East and North Africa Region (MENA) since 1963 and runs projects across the region. In the oPt, Save the Children works with local partners on providing quality education and protection for children at risk and whose rights are most infringed, while also strengthening the capacities of civil society organizations that are active in child rights issues.

Save the Children's work is guided by the fundamental values expressed in the United Nations Convention on the Rights of the Child and is founded on the conviction that all children and adults are of equal value. Children have special rights and everyone has a responsibility to respect and promote the rights of children, but States have particular obligations. Save the Children follows four working methods to achieve sustainable improvements in children's lives, and encourage societies to respect, protect and realise children's rights:

- **Research and analysis:** SCS' work is based on active monitoring and analysis of developments, in addition to current research on practical experience.
- **Direct support:** SCS implements projects for children at risk in order to increase awareness and knowledge of certain issues, or in connection with disasters
- **Knowledge dissemination and capacity-building:** SCS supports key players through capacity building in areas related to children's rights, development, legislation, policy, methods and approaches to work.
- **Advocacy and awareness raising:** SCS' role is to influence attitudes and perceptions in society in addition to economic and political decisions as regards children's rights.

Save the Children Sweden cannot affect the changes in children's conditions for which it strives on its own. International bodies, the State and its authorities at various levels, such as business, media and non-governmental organizations, all play a role in upholding the rights of the child. The family often plays the primary role.

Save the Children Sweden focuses on influencing all of these institutions, as well as the children and adults who are a part of them. This is achieved through a community-based approach that promotes capacity building and creating networks nationally to work and lobby towards improving the lives of women and children to a standard that they are entitled to by right. In turn, they can create links with the rights holders and encourage them

⁵⁷ This section was first published in: Save the Children, Programme Summary 2011, URL: <http://mena.savethechildren.se/PageFiles/3827/SCS%20OPT%20Programme%20Summary%202011.pdf> (last access: September 17, 2011)

to claim their rights through, for example, raising awareness concerning their rights and about the obligations duty-bearers have to respect those rights.

In order to create sustainability and take matters into other social spheres, rights holders are empowered to be involved in advocacy and lobbying within their own communities and on the national level, enabling them to gain more control over their own lives and create positive change in the lives of others. Once the legal framework is in place, a lot still has to be done to change traditional values and perceptions, and public opinion, in most contexts, is often the most difficult part of the process of social change. This is especially the case in countries with weak state structures, policies and practices, along with a weak security force system in place. It is therefore crucial to support civil society organizations, as they constitute one of the most important pillars of democratic societies.

In the field of child detention in oPt, Save the Children has been supporting the EJ-YMCA RP since 2008 in its psychosocial rehabilitation measures to facilitate the re-integration of ex-detainee children into their societies. Another strategic partner working in the area of providing assistance to detainee children is the DCI-PS. Although they are not part of the psychosocial intervention as such, they are a pivotal contributor in the absence of a well-functioning governmental monitoring mechanism to monitor and report on statistics related to children in detention. As a result of the importance of such a monitoring and reporting mechanism, Save the Children has supported the establishment of a database at DCI-PS that keeps track of the children that are in detention as well as those who will be released. It also supports

DCI-PS socio-legal defence centres that have outreach programmes and give advice to vulnerable children at risk. Further support is being given to the SAWA Child Protection Helpline, which runs a toll free helpline and responds to distress calls in the oPt. The helpline also provides services to support children through counselling, referral and accompaniment services and through workshops on protection and the mechanisms to prevent certain types of violence against children.

The EJ-YMCA Rehabilitation Programme was initiated in 1989 with the mission to enhance the living conditions of persons with disabilities and victims of political violence. The main focus of the programme is children and youth who were injured, disabled or traumatized as a result of political violence in the West Bank. The Programme follows the EJ-YMCA mandate to commit to a new social vision and to develop strategies that contribute, as an organization, to affirming human dignity and social justice.



Picture taken by an ex-detainee boy.

Save the Children's "theory of change"

SCS contributes financial resources and competence so that local civil society, other actors and children themselves are empowered and strengthened in their ability to influence public opinion, policy and laws; contribute in developing knowledge and influencing attitudes that will lead to change in behaviour and eventually full respect for children's rights that leads to real, positive change in children's lives!
---	---	---	--

EJ-YMCA's work approach

The Programme has a holistic, three-fold approach to Rehabilitation, i.e. psychosocial intervention, empowerment and integration. The holistic approach in rehabilitation provides the beneficiaries with the rehabilitative services needed to help them reach the maximum degree of independence and to accept their disability or difficulty and become active members in their communities. This includes psychosocial counselling, vocational assessment, training, job placement, self-employment opportunities and building disabled access to houses, schools and public facilities.

The programme extends its services to include families of the beneficiaries and local communities to ensure maximum support.

The Rehabilitation Programme shares the expertise and knowledge accumulated through years of work in trauma counselling and in community-based psychosocial support (CBPS) with local and international

NGOs working within the same area, through trainings conducted by the (EJ-YMCA-RP-)Training Unit. Trainings were conducted for organizations working in Middle East, Africa, South America, Asia, the Balkans and Caucasus.

Through its work, EJ-YMCA RP focuses primarily on children and youth, but the programme will also accommodate persons from 0-45 years. The majority of direct beneficiaries, however, are children ages 18 and below. Not only does this population segment constitute almost half of the Palestinian population, but it also is the most vulnerable demographic and constitutes those most susceptible to the negative effects of social and economic violence.

Three main projects implemented by the EJ-YMCA include children as the primary target. The first is the "Post Trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme", implemented in partnership with Save the



Picture taken by an ex-detainee boy in Bethlehem.

Children and funded by ECHO, which aims to reintegrate ex-detainee children into their communities through a holistic approach to rehabilitation, through psychosocial, educational and vocational counselling and through vocational assessment and vocational training. The second project is the “Psychosocial support teams in the

West Bank”, in partnership with Unicef, also funded by ECHO. This project offers psychosocial counselling to children who are victims of political and social violence. The third programme is in partnership with YCARE international and funded by DFID; the project works on empowering children and youth with physical disabilities.



: “I know it sounds dramatic. But for me this saying perfectly
: describes my feelings. It goes: ‘Dying with the whole tribe
: is merciful.’ Talking about traumatic experience with
: someone who has been through the same makes you feel
: less alone.”

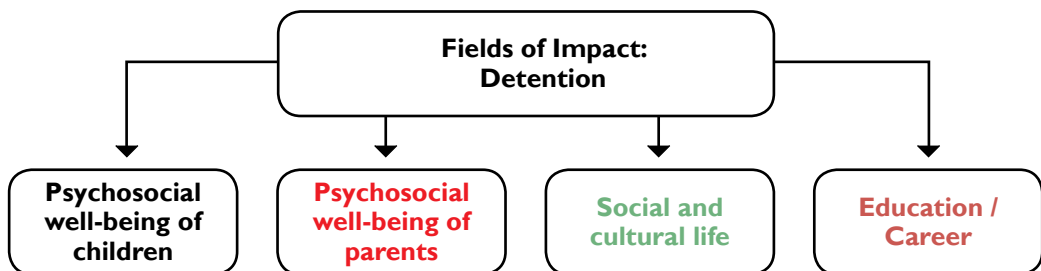
F. I., detained at the age of 14

Impact of child detention

Detention cannot be described as an experience that is limited in time; assuming that its impact on the detained child will start with day of one of his/her detention and will end with his/her release is naïve and incomplete. Interviews with children and their families, as well as with the EJ-YMCA counsellors, conducted by Save the Children suggest that **the detention experience is traumatic, regardless of its duration.** A trauma develops when an event exceeds the psychological load limit of an individual, who is then not able to process the experience adequately. Children, in particular, are easily affected by traumatic experiences. Their reception of reality differs from that of an adult; they are not entirely aware of the consequences of their behaviour and they underdeveloped internal coping mechanisms. Events that cut through, or distort, a certain feeling of security and invulnerability are very likely to hinder one's capacity to handle his/her emotions, feelings and environment. Research with burn patients showed that

the extent of emotional distress, not the severity of the burn determined the posttraumatic symptoms. Hence, a person, especially a child, can be traumatized by someone with a fake gun. In his book "Coping with Trauma" the trauma expert Jon G. Allen states that: "Psychologically, the bottom line of trauma is overwhelming emotion and a feeling of utter helplessness. Bodily injury may or may not be evident, but psychological trauma is coupled with physiological upheaval that plays a leading role in the long-range effects."⁵⁸

This chapter addresses the impact of detention on children. The detention experience can affect children in various ways: it has an impact on their psychosocial well-being, but also that of their parents, in addition to affecting their social and cultural life as well as their education and career. In acknowledging the overall findings, the analysis is subdivided into three parts: the impact of detention on children, the impact on families and lastly the impact of child detention on communities.



⁵⁸ Allen, J. G. (2005). Coping with Trauma: Hope through Understanding. Arlington: American Psychiatric Publishing, Inc. 22

Impact of child detention on children

Sample

Eight children all over the West Bank and five families of detained or ex-detained children, who were part of the Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme, were interviewed for this report in July 2011, along with focus group interviews with ex-detainee children conducted over the period of June 2009 to June 2011, with an average of 40 children in each focus group. Furthermore, the internal database of information on beneficiaries for the cycle of 2011 has also been taken into consideration.

General information: interviewees

From the eight in-depth interviews, which were verified by the children's individual counsellors, five reported to have been taken from their beds and homes in the **middle of the night**, while one was stopped with two friends by settler security and then handed over to the IDF, one was arrested on the way to school and another was arrested in his schoolyard during the day. With the exception of one child, all were **handcuffed**, most of them tightly behind their backs, and interrogated without either their parents' or their lawyers' presence. Five were **blindfolded**, out of which one boy had to keep a full-cover-bag over his head. Six children from the West Bank were **compelled to confess**, either by being offered a shortened sentence, or under threat of, or actual, physical violence against them. Another one was given a blank letter to write his confession on, but refused to do so. In four cases those children were compelled to sign a **letter**

in Hebrew, not understanding its content, one boy was given a letter of charges in Arabic but accompanied by the explanation to "sign it if you do not agree", while the child that refused to confess was handed a blank sheet to write his confession on it. Six of the children were **insulted or humiliated** during arrest, interrogation or detention itself, e.g. by being called a "dog" or "animal", being mocked at for physical appearance, or were subjected to explicit insults against their mothers and sisters. Moreover, six of the interviewed children reported to having been exposed to **physical violence** by military or interrogation personnel, such as beating, kicking and pushing. One child reported to having been put into a so called "bird's cell" – a cell of Palestinian collaborators – being tempted in there to become collaborators themselves.

Findings

"My father was silenced, he wasn't allowed to talk. I will never forget the screams and crying of my little brothers (6, 8 and 10 years at that time), when they saw me being blindfolded and handcuffed right in front of their eyes."

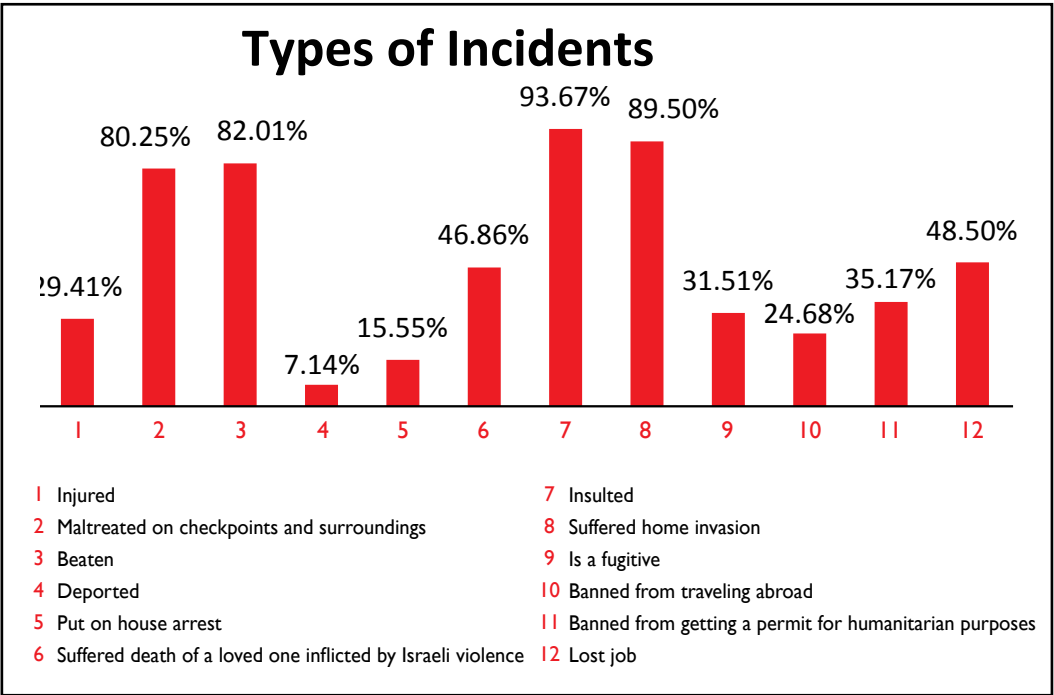
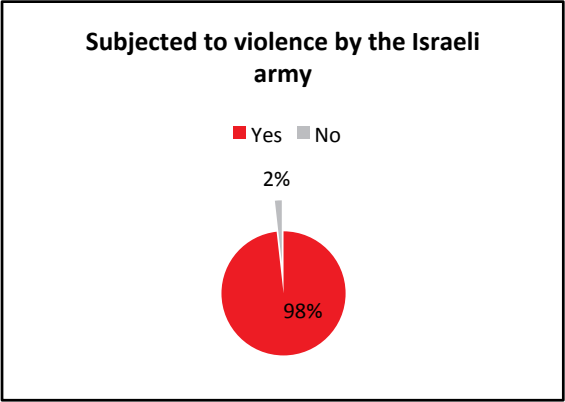
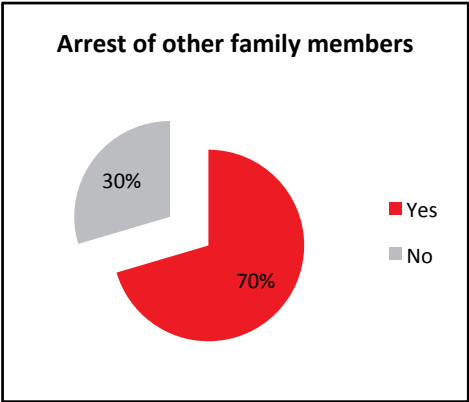
M. S., detained at the age of 17, recalls from the day of his arrest.

In the above mentioned interviews and focus groups, ex-detainee children were asked to describe their detention experience. As already suggested by the Mid-term Evaluation⁵⁹ of the **Post-trauma Rehabilitation of Palestinian Ex-detainee**

⁵⁹ Save the Children and EJ-YMCA Rehabilitation Program (March 2011). Mid-term Evaluation Report. Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank.

Children the West Bank Programme, the arrest itself as a “moment of detention” was very vivid in the memory of the interviewees. The way of arrest – soldiers storming the family’s houses in the middle of the night, making a scene and taking the children away from their parents like high criminal offenders – was a significant memory and trigger for the children’s psychological aftermath. In addition to their own emotions and anxieties taking

over at the moment of detention, children also reported that they were traumatized when observing their family members’ helplessness expressed at the moment of arrest. From the 292 ex-detainee children profiting from the program in 2011, 70% reported having other family members who are currently or formerly detained. When asked about whether or not they were subjected to violence by the Israeli army during their arrest and detention,



a vast majority of over 98% of children answered “Yes”.

From all ex-detainee children enrolled in the programme in 2011, almost 94% reported to having been insulted by military or police personnel during arrest or detention, 90% were taken from their homes, in what appears to be a home invasion scenario, 82% were beaten and over 80% maltreated on checkpoints and their surroundings.

Although the detention experience varies from child to child, all testimonies by ex-detainee children, both individually and in focus groups were characterized by some sort of psychological abuse, threat or humiliation. The scope of humiliation ranged from general insults, humiliation because of physical appearance, to insults directed against the family of the child:

“(…) they made me sit on the ground in the burning sun for about 4 hours. I was scared, I could hear soldiers walking and talking all around me. (...) they passed by and cursed and yelled at me: ‘You are a dog, you lead to chaos, you’re nothing but a troublemaker (...)’

I was very short and skinny for my age, so the soldiers would laugh at me and mock me because of my appearance.”⁶⁰

“(…) the interrogator’s words were filthier and he kept on insulting my mother and my sister saying shameful things. Then he slapped me in my face, and I told him I prefer being hit than insulting my family.”⁶¹

“I vomited in the jeep every single time I had to be on it – everybody knew that, so they would sit far away from me. I was sitting there in my vomit by myself, either sweating like a waterfall or freezing like crazy – it was so embarrassing. Every time I asked for a plastic bag before we went on to the Bosta, but they never wanted to give me one. I think the humiliation was the worst.”⁶²

One mother reported that she asked the interrogator to let her son out of interrogation to which it was responded to her: “‘No, he has to confess first’ to which I replied that there was nothing to confess about. ‘This is because you taught him at home how to lie and not tell the truth’.”⁶³

A huge number of children reported physical assaults during both interrogation and detention, such as being hit with rifles, kicked, pushed against walls or handcuffed so tightly that it would lead to bleeding wrists.

“(…) another soldier brought me outside. He ceased the moment, started hitting me on our way out, pushing me against the wall; I even got scratch marks from this afterwards. He started cursing at me in Arabic and handcuffed me very tightly; I couldn’t feel my fingers anymore. I was really scared as I was standing with him and other soldiers alone outside. They took my glasses off and put some sort of full-head cover over me. They continued hitting and slapping me, as if they were just waiting for my head to be covered so that I could not see them anymore. They brought me to their jeep and kept on pulling me up and down on my handcuffs, so that I had to kneel down when they pushed me down and try to gain my balance back to stand up when they pushed me up. It made the way to the jeep so much longer, I could barely keep my balance as I also couldn’t see a thing and couldn’t move properly with my hands cuffed.”⁶⁴

⁶⁰ Full testimony of M. S. can be found in the appendix of this report.

⁶¹ Full testimony of H. Y. can be found in the appendix of this report.

⁶² Full testimony of M. I. can be found in the appendix of this report.

⁶³ Full testimony of M. G. can be found in the appendix of this report.

⁶⁴ Full testimony of M. E. can be found in the appendix of

One child from the in-depth interviews and several others from focus group discussions reported that they were (temporarily) held in, what they called, “bird cells”, cells in which Palestinian collaborators tried to convince the children to follow their lead and collaborate with the Israeli military. One child reports that he was being offered a collaboration deal by his Israeli interrogator, telling the child:

“If you help us, we won’t be harsh on you. If you see something or someone doing wrong against us, call us, just like you would call us when you would see fire.”⁶⁵

As for the emotional impact, children reported that they became very sensitive, tense and nervous, had low self-esteem, faced difficulties in communication and felt isolated after detention. In addition, their relationship to their parents and siblings changed significantly; they became disobedient and less respectful towards their parents and/or used violent behaviour against their younger siblings.

Psychologically, due to detention and torture, child ex-detainees are at risk of developing PTSD (Post-Traumatic Stress Disorder). Children were subjected to isolation and ill-treatment; many developed a fear of dogs used for searching. They suffered from nightmares, sleeping and eating disorders, bedwetting, and feared re-arrest or acquired unhealthy habits such as smoking.

Resulting from the focus group interviews with 39 ex-detainee children, they indicated that they suffered the most from the following

conditions during detention and/or post-detention:

Threats of sexual assault and, in severe cases, rape during arrest and interrogation, or in some cases sexual harassment by other inmates, were some of the most disturbing things children reported to having heard or (excluding rape, as no child had publicly confirmed) experienced themselves.

The detention experience is traumatic, regardless of its duration: Many interviewed children reported that the arrest itself was very traumatizing. Dozens of armed soldiers storming their family houses in the middle of the night, dragging them from their beds and transporting them in an iron bus, with no windows, having to stay in there for hours without food, water or bathrooms, while being handcuffed, blindfolded, kicked, beaten, threatened or slapped took its toll on the children’s well-being. Many indicated that both the arrest and the end of the sentence were the hardest: While waiting to be released, they sometimes had been given administrative detention⁵ at the last minute.

Right to health CRC, Article 24

I. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

this report.

⁶⁵ Full testimony of R. R. can be found in the appendix of this report.

Health problems, deriving directly or indirectly from detention, also play an enormous role when constituting children's well-being during and after detention. Children incurred various injuries during detention, or from torture. In general, injured detainees are medically neglected as the health care in prison is very basic. A physician and a nurse are supposed to be present in the prison at all times, in addition to a specialist visit once a week. In reality, only a military nurse is present. One child reported:

"I have a problem with my respiratory system which leads to major breathing problems from time to time. I got sick in prison because of this but my request to see a doctor never went through."⁶⁶

Another child very obviously was struck by what happened to him and other inmates in prison, describing it as follows:

"I witnessed twice – once in Ofer, once in Nakab – what is known under 'Qama' (from Arabic: cutting the stem) in prison. The soldiers would use it to teach us a lesson, improve our behavior, or so they would say. In these nights, all soldiers being in the prison stormed the cells, hit the prisoners with whatever the soldiers could find and carry in their hands, they pumped something like tear gas into the cells. After Qama, you could not find one single person that was not injured. The soldiers broke legs, arms, hands. If one hand was broken, they broke the other one, too, instead of bringing the inmate to a doctor. In general: nobody was allowed to see a doctor afterwards. Before this operation, the prison personnel made the strong men leave the cells, these were usually the times they would transfer them, so no strong men would be there during Qama, nobody who could resist and fight back. After I left prison, I heard of one of my friends, who got shot during Qama: the beat him so strong that he needed an ambulance, but instead of bringing him to a hospital they shot him"^{67,68}

Furthermore, the shower time was restricted or insufficient in some prisons: children reported that they had water for only 3 minutes and it was either boiling or freezing and not sufficient to wash the whole body. As a result, children developed skin diseases.

Many children indicated losing their **sense of safety and security**; the insecurity they feel in 'hot' areas and fear of being re-arrested discourages children to leave their home. The prospect of seeing soldiers at checkpoints and ongoing arrests led to constant nervousness. Children also reported, that the IDF contacts them to threaten them.

Children's right to social and cultural life

Right to social and cultural life

CRC, Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

⁶⁷ On Monday 22 October 2007, in the early hours of the morning, whilst the prisoners were sleeping, the IPS riot control unit, the Massada Unit, carried out a search in the prisoners' cells; this allegedly was a search for weapons and other items prohibited by the prison authorities. Mohammad Sati Mohammad al-Ashkar, 29 years of age. Al-Ashkar, from the town of Saida, near Tulkarem, was serving a two-year sentence and was due to be released in January 2008. Lawyers who visited the prisoners state that nine prisoners were severely wounded and required hospitalization; they also state that up to 260 prisoners were lightly injured, including those suffering from breathing difficulties. There is evidence to suggest that clubs, tear gas and possibly rubber bullets were used by the Massada Unit during the unrest. *Haaretz* newspaper reports that about 15 wardens were lightly wounded. To date, there have been no press reports or publicizing of any weapons or other items having been uncovered in the raid.

⁶⁸ Full testimony can be found in the appendix of this report.

⁶⁶ Full testimony of M. I. found in appendix of this report.

Regarding social aspects, it can be said that a negative view towards ex-detainees might prevail among society; in some cases they are labelled and excluded from their community out of the parents' and community's fear that being somehow connected to ex-detainees might get themselves into trouble. On the other hand, ex-detainees lost trust towards others, unwilling to communicate with people around them. Many interviewed children reported that they cannot return to their old circle of friends due to aforementioned reasons and/or that their friends abandoned them. Some suffer from a lack of family support. Once released, most ex-detainees follow the prison's routine; they sleep, watch television, and do not work.

Children's right to protection from family separation

Right to not be separated from the family

CRC, Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will (...)

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family (...)

Children emphasized the lack of social support available to them using the following phrases:

"Nobody was on our side"

"Nobody cared for us"

"Everybody abandoned us"


Due to family separation, ex-detainees, deprived of family visits, feel isolated and unprotected. The negative social, behavioural, and emotional effects of imprisonment contribute to poor communication with family and refusal of father's control following release. On the other hand, most family members do not understand the needs of ex-detainees. Some blame themselves for their child's detention and become overprotective as they fear re-arrest. Detention may profoundly undermine the parental role, leaving children with little protection or comfort, before and after detention.

Right to not be deported Fourth Geneva Convention, Article 49

1. Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Some children were deported for months to detention centres and prisons within Israel, isolating them from their family, friends, school, and community. Sometimes the mother chooses to stay with her child to protect him/her, leaving

her family and other children behind. Deporting a protected person outside of the occupied country contravenes the Fourth Geneva Convention and is therefore illegal under International Law. Apart from the deportation of children, forced re-allocation and house arrest can also burden the family; the child is forced to stay at home without being able to go to school, in some cases the children are not even being held in their own houses but have to have their parents rent another house in other parts of the neighbourhood.



Right to not be deported

Fourth Geneva Convention, Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity (...)

Education and Career

The post-detention period is filled with obstacles regarding the **education of children**. According to the Final Evaluation of the **Post-trauma Rehabilitation of Ex-detainee Children in the West Bank Programme**, about 90% of children imprisoned are students.⁶⁹ Following release, it is often challenging for them to go back to school, especially if they were detained for years, as they face problems of distraction and are unable to remain focused. It is also hard for them to be with younger classmates or to catch up with their

peers. Moreover, the Ministry of Education obliges children to repeat their year after a certain percentage of days of absence, regardless of the reasons why the absence occurred (detention included).⁷ Apart from the children's personal difficulties with proceeding with their school education, it became clear that the headmaster played a role in the return of the child to his/her school, as some of them refused to have ex-detainees in their schools. They were frequently considered to be troublemakers and a possible threat to the school's overall harmony. One ex-detainee girl described her experience when she went back to school: **"On my first day back to school the principal gathered the children on the school yard. She told them to stay away from me because I am trouble. After this, I did not want to return to school anymore."**

In addition, the majority of detained children come from poor or impoverished backgrounds and feel the pressure to work and support their families, with many unable to afford university education. The MoDEDA covers half of the college tuition for only those detained for at least 5 years.

Adding to the major educational obstacles that ex-detainee children had to deal with, were **employment challenges** that most Palestinian children, who are above 15 and eligible to work, according to article 93 (Palestinian Labour Law), face, including the lack of employment opportunities, nepotism, their lack of skills as a result of dropping out of school or university, depressed mood, aggressive behaviour, lack of communication skills, lack of self-esteem and lack of personal motivation to work.

⁶⁹ Save the Children and EJ-YMCA Rehabilitation Program (June 2011). Final Evaluation Report. Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank.

The following is a full-length testimony given by a child ex-detainee from the Jenin area:

Name:	A.T.
Date of incident:	10 June 2009
Age at detention:	17 years
Period of detention:	20 days
Location:	Jenin, occupied Palestinian territory

Before detention:

It was the last year of *Tawjeehi*. I had a lot of work to do for school. All of my concentration and focus was on my studies. My dream was to finish *Tawjeehi*, do well at it and have a good base for the future.”

Day of detention:

“It was 2:30 am in the morning. I had taken 2 *Tawjeehi* exams so far and I had a third one coming so I decided to wake up at night to study. When I woke up I heard noises and looked outside: there were 5 jeeps outside. I went upstairs to tell my parents and they tried to calm me down by saying ‘Don’t worry, you didn’t do anything wrong’. I was nervous because I had no idea what was going on. We heard the soldiers walk around the house; they came from behind our house. **As I looked in the direction of the window I saw their laser light of the guns pointing at me.** They actually rang the bell and my dad opened the door but he was immediately pushed to the side and they entered and started searching the house. **There were about 10 soldiers inside, and about 30 outside. They went from house to house, in full military uniform, helmets and fully armed as if they were prepared for war.** We gave them our IDs and when they saw mine they asked ‘Are you in your *Tawjeehi* class right



now?’ as if they already knew the answer to this question. Then they asked if we have cellphones and computers in the house and that we should bring it to them, which they then took with them. I was told to change and to ‘say goodbye to your parents’. My mother was begging the soldier to let me finish my exams and promised that my parents would bring me in after. **The soldier replied to her in a very cold and annoyed way ‘I am the decision maker here. It is me who decides when to take him’.** They handcuffed me in the back, blindfolded me and **4 soldiers brought me to the jeep.** All soldiers in the area then left after they had brought me into the jeep. I was brought to the settlement of Mevo-Dotan where they kept on asking about my *Tawjeehi*. I stressed that I really want to finish school and they just told me to be patient and that ‘maybe I can take private lessons for the exams’.

In the interrogation room I had to go through a medical examination and fill out a medical form in Arabic, too. They treated me without dignity, as if I wasn't a human being. They humiliated me by making me feel I was just a stupid little kid who doesn't know anything and kept on doing donkey sounds when they referred to me. I was told what to do as if I was an animal; they even used the same language. After this they brought me to a check point and from there to the Salem interrogation center, where they undressed me. They gave me a tooth brush and a towel and put me together with 2 younger inmates into a room with no windows. I waited there from morning to afternoon, just to be transported to Jalameh, close to Haifa. **That was the last time I saw the sun. I stayed for 20 days in Jalameh in a dark cell without any sunlight and was never allowed to go outside. They insulted me, mocked me, and used dirty words to insult my family and sisters.** In Jalameh, the prison is divided into two halves, of which one is for political prisoners and the other for those who committed criminal offences. The latter is less strict. In the part where the political prisoners have to go, there are also those called 'birds' – Palestinian collaborators who try to persuade some 'chosen' prisoners to change sides and work for the Israelis. Everything in that prison was metal and worked electronically. It was kind of scary, because it looked as if it was a building from the future. They took me down some stairs, I couldn't see, but it felt as we were going into an area underground. **The cell doors were so thick, that I kept on thinking 'I could scream my lungs out and nobody would ever hear what is happening to me'. I was really scared.** In the cell there was a red light, the mattress felt like hard wood, the wall surface was so sharp and spiky that it

was hurtful to touch it. I was all by myself in that cell – no windows, only a sink and a toilet in the corner. The first half an hour in there I was praying, in general since there was no clock I kept on praying all the time, as I didn't know when the actual prayer times were. **There was a towel stuck in the air shaft in the ceiling which the soldiers thought I put in there. They cursed and got mad and put me into the shower cabin for an hour as a punishment, for something I didn't do – the cabin was so small that I couldn't even sit.** After that they put me in an even smaller cell. The food that they brought me the next morning was disgusting; one could smell the old eggs from kilometres away. I never ate them, just like I barely ate in general. On the 3rd day of the exams I got so mad, that I started kicking the water bowl in the cell. I was furious because I knew exactly what this meant, missing the *Tawjeehi* meant missing the future. Shortly after, **I was blindfolded and brought 2 levels up for interrogation for which they cuffed my hands and feet. They first asked me general questions then offered me water. I refused and the interrogator told me 'You better drink something before you cannot drink at all one day'. 'I would like some coffee', I replied. The interrogator started mocking me, 'Sure, do you want Nescafé?' and then pretended to introduce himself, 'I am Mr. Coffee Bean, my mother is Lipton Ice Tea etc' using different brand names for coffee and drinks and laughing at me.** In the end they did bring me a cup of coffee. There was no information about what they charged me with, instead they asked me to answer questions like 'What did you do?' or at some point he said 'I know that you are studying but I want something else, something you did wrong.' I told them I

wasn't doing anything wrong and that I was really studying almost constantly. I used to study up on the roof of our house so I told them to check their surveillance footage, because they would always find me exactly there, studying! **Every night they woke us up and made us move around the cells. The cells were freezing, so my back felt as if it would break into two halves every time I had to stand up at night, that is how painful it was to sleep in those cells.** It was only four days after my arrest that the interrogator told me that I had the right to see a lawyer. They also gave me a paper with the comment that **'You have to tell the truth or else we have the right to do whatever it takes to get the truth out of you!'** They wanted me to sign a letter of confession they said: **'You can confess now and get out earlier or you stay 6 months and longer'.**

The hardest part was my thoughts about all of my friends who were taking the *Tawjeehi* exams while I was in a cell. It made me really angry, my emotions were boiling inside of me. We didn't have books at all in prison, we didn't have anything and there was nothing to do in there at all. Five days after my arrest I was brought to court, 1,5 weeks after I was given a blank sheet of paper to write my confession. The soldier looked at it and said 'This is nothing' and started cursing at me. He also said I would not be allowed to smoke for 4 week as a punishment, but I told him that I don't smoke anyway. 'Then I am going to keep you 4 months!', he replied. I was then brought into a very noisy cell, where there was some sort of engine above my cell. **When the Red Cross came into the prison they went to every prisoner except me. I was later told by other prisoners that the Red Cross visited them all except me. At night the guards would make dog noises, to**

make me feel low and inferior, just like an animal. On my last day I got my ID back, it was the day before the last tests of *Tawjeehi* when I was released."

After detention:

"I was really mad, I never got over having lost the chance to finish my *Tawjeehi*. And all the work for it in preparation was in vain! I had to wait a whole year to be able to take the exams again. Nobody at school helped me to get back on track. The hardest day was when the results came out, my friends all left for college and I was left behind. I felt isolated and scared; the first couple of weeks I was terrified by the sound of door noises."

Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"I started with the Rehabilitation Programme two months after my release and got individual counselling first. It really helped me a lot by assisting me in decreasing my anger step by step. Through the programme, I found my way back to the important things. Not having grief about what happened in the past, but concentrating on my future instead!"

A.T.'s Mother:

"I am constantly worried about my children – all of them! Even the youngest I cannot treat the same way as I did before the detention of my two older boys (A.'s elder brother was detained before him). I became very overprotective, almost obsessed with the safety of my children. I never had a calm night ever since. My boys changed a lot after detention, they are different. I will do everything in order to prevent anyone taking them away from me ever again! My boys' future is ruined! Everyone's future is ruined: my husband worked in Hadera, Israel, for over 30 years. Now he is not allowed to work there anymore because he lost him and the whole family lost the work permissions for Israel because of the detention of A. and his brother. I developed this deep anxiety in me. It affects every aspect of my life: sleep, my relationship to my A. and his brother, my relationship to my other children, the approach to life in general. Everything I do, I do with a constant nervousness. I talk a lot to neighbours and other friends and family members, who got detained children, too. It's epidemic; they come and take our children away in order to break us all emotionally. And that affects a whole society, a whole people – I think none of us ever recovered from the trauma of our children being taken away from us!"

Impact of child detention on families

The effect of the detention experience on the family unit can be overwhelming, for both the child and his family. **The family, the secondary victim**, is traumatized by the attack on them in the middle of the night, the harassment and abuse by the soldiers, the damage of properties, the detention of their child, the inability to see their child for months or even years while in detention, the fear that other members of the family could be detained, too, as well as the potential job loss due to suspension of the father's work permit to Israel. This is coupled with the economic burden from covering the expenses of their child's food, drinks, and clothes while in detention. As a result, parents, having experienced the fear of losing their child, become overprotective and tend to impose unnecessary control on their sons and daughters.

"(...) There is a general sadness that lies like a cloud over our family. In the one year M. was in prison I got sick and spent most of the time in bed. It was a very severe emotional and mental burden on all of us. From time to time I would go in M.'s room and pick up his books. I kept looking at them and crying for hours - he was detained in his last year of Tawjeehi. my husband and I are very worried about the future of our children. What shall become of them? Our children and us - we are all traumatized."

Mother of ex-detainee child.

Being away from the daily affection and support of the family, and simultaneously having to cope with a harsh environment all alone, ex-detainees develop a certain degree of independence that they might find difficult to let go of once they are back in the domestic environment, which contributes to **strained family relationships**.

Major obstacles for family relations during detention include restricted family visits, disrespectful treatment of visitors (such as personal search processes that are humiliating and sometimes require women to take off their head cover with men present) and denied family visits if the child “has caused problems” or “did not act properly” while in detention (these instances were described in general, and no detail was given as to what these actions mean).

As a result of the strained relationships with their children, all families Save the Children spoke to, expressed a high degree of frustration. They worried about the future of their children; mothers indicated that they felt nervous, frustrated, and depressed most of the time. Some described themselves as being “completely destroyed”.

Due to the severe impact of detention on both children and parents, the **family relations** suffer damages, such as elevated

“We saw our son 11 months after he was arrested, before that we did not get the permission to go visit him. In total we saw him only twice, the second time being 10 days before his release. We were very worried about him, also because he has this breathing issue and diabetes. As we couldn’t check on him by ourselves other parents who had children detained in the same place as M. urged us to get a request from the hospital, so he could get a permission to see a doctor but the Israelis declined the request, hence he never had the chance to get himself checked by a doctor.”

Mother of ex-detainee child.

anger towards parents, intensified family problems after release or worsened family dynamics.

In general, many families of detained and ex-detainee children do not only suffer from the detention experience itself, but additional aspects aggravate their overall situation, such as financial, emotional and medical problems, as shown in the following depiction:

Many families of detainee and ex-detainee children suffer one or more additional stressors/vulnerability factors that add to the stressors of the detention experience:

Family member (s) killed or injured by the Israelis	Poverty & social exclusion	Family member(s) suffering from a chronic medical condition, mental health problem or disability	Mother as sole bread winner (father detained, abandoned the family or deceased)	Multiple children detained from the same family	Same child detained multiple times
---	----------------------------	--	---	---	------------------------------------

Impact of child detention on communities

Communities are not static entities. Their constitution, as well as their development, is dependent on the potential of their individual elements. The math is simple: it is two halves, four quarters, three thirds (etc.) that make a whole. This calculation leads to the argument, that considering detention as an isolated and individual problem without ramifications for the environment those individuals live in, is inaccurate. As we have seen in the preceding chapters, the impact of detention on children (as future decision makers within their community) and their families (elements of an already existing community structure) is severe on many levels. Children reported, that the detention experience overthrew their relationship with their nuclear (e.g. family) and extended (e.g. community) familial environment. However, the community at large bears this burden as well. Families interviewed for this report expressed their concern regarding a rising number of community members, amongst whom many were children.

Mothers of child ex-detainees said:

“There are a lot of neighbours and relatives who endured the same. It would be easier to say who did not go to prison than to count those who did. It is a pandemic! And in most cases they just come and get you without a reason, just to break us emotionally and mentally, to make us weak and to traumatize our children so that we would give up.”⁷⁰

“Whenever the kids in our neighborhood try to play outside, the settlers throw gas and sound bombs at them to scare them away. This happens extensively on Fridays after prayer. The Israelis destroyed the garden around our house telling us that it was illegal. We also have a court date about the fence and have to pay a fine. Living here is not easy, and they don’t want us to have a normal life here in the first place. That is why they come and take away the children. To intimidate them - to intimidate all of us.”

Mother of ex-detainee child (Silwan)

“Everything I do, I do with a constant nervousness. I talk a lot to neighbours and other friends and family members, who got detained children, too. It’s epidemic; they come and take our children away in order to break us all emotionally. And that affects a whole society, a whole people – I think none of us ever recovered from the trauma of our children being taken away from us!”⁷¹

The rapid expansion of the use of juvenile detention hits communities hard. Not only do children lose hope and trust towards their respective communities, the community also treats ex-detained children differently. Firstly, these children are stigmatized, which makes it harder for them to re-integrate and which will inevitably lead to disruptions among societies and families. Secondly,

⁷⁰ Full testimony to be found in appendix of this report.

⁷¹ Full testimony to be found in appendix of this report.

this marginalization, of which especially female ex-detainee children suffer, leads to more conservative behaviour within a community. In many cases, a restriction of the children's freedom of movement could be defined as one of the results. Female ex-detainee children reported that they were barely allowed to leave the house or go to school and/or work without being escorted by their fathers and/or older siblings. This is worrying mostly because it leads to children dropping out of school or not being able to freely pursue a professional career. Hence, the foundation for a (financially and mentally) self-determined life can erode, which will lead to further frustration on a personal level and further difficulties among the members of community on a societal level. What bears further concern for the Palestinian community, is that all families Save the Children interviewed for this report, defined the rise of juvenile detention in their neighbourhood as a tool, used by the Israelis, to make them and their children lose a sense of safety and feeling of well-being in their own homes. **One mother of a child in Silwan, pointed out, that the children in her neighbourhood feel so insecure that they pressure their parents to move away from their neighbourhood, fuelling and, unintentionally supporting, the Judaization policies of the State of**

Israel, particularly in East Jerusalem.

Therefore, the detention of children serves the Israeli government well, in the context of creating an atmosphere of deterrence. None of the children interviewed by Save the Children indicated that they behaved in a way that would justify their detention. On the contrary, under coercive pressure, threats of physical punishment or under false explanation, they were all compelled to sign a confession letter, which in most cases was even presented to them in Hebrew.

Thus, the assumption of child detention being a tool of collective punishment is by no means conjured out of thin air. Collective punishment as a means of deterrence or retaliation is unsupportable and, furthermore, illegal as per International Law. The Fourth Geneva Convention states in Article 33, that:

"No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited."⁷²

⁷² Fourth Geneva Convention. URL: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument> (last access: September 4, 2011)



: “The goal is to bring these children together, make them
: connect to others, bring them out of their isolation. In
: the beginning all of them suffered a severe lack of trust of
: other people. We try to mitigate the effects the detention
: experience had on them.”

N. K., programme counsellor Hebron area

Psychosocial Response

As mentioned in the previous chapters, the impact of detention on children, their families and their respective communities is severe and worrying. The detention experience holds serious implications for the mental health and stability of children and families. As the effects of detention are various and directed at different aspects of the social and mental well-being of children, the need for a holistic psychosocial response is urgent. The EJ-YMCA RP offers psychosocial counselling for ex-detainee children and their families, and works together with Save the Children on facilitating their integration into society.

The Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme

The **Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme**, aims to facilitate the re-integration process of ex-detainee children into their communities, by enhancing the psychosocial well-being and coping capacities of ex-detainee children and their families, through in-depth counselling and school and community based re-integration interventions. The project is implemented by the East Jerusalem YMCA Rehabilitation Programme in partnership with Save the Children Sweden, and funded by the European Commission Humanitarian Aid and Civil Protection department (ECHO).

Since 2008, Save the Children has supported the EJ-YMCA Beit Sahour Rehabilitation Programme in their tailor

made psychosocial intervention of ex-detainee children and their families, in order to provide professional guidance to mitigate the trauma the children underwent while in detention. Moreover, Save the Children supports the awareness raising activities of communities, and the duty-bearers at large, concerning the repercussions of the trauma incurred while in detention. As Save the Children strongly encourages organizations to learn from their experiences and to build upon their expertise, SCS has been supporting capacity building of the programme staff in the areas dealing with psychosocial interventions. A fact illustrated in the conduct of the baseline and the institutionalization of the data collection through its integration in the programme database.

The programme's priorities are child rights to education and protection (from neglect, abuse, violence and exploitation through *inter alia* the establishment of communication-based protection mechanisms including psychosocial support), which leads to empowered civil society in the local environment, an environment that is prone to socioeconomic emergencies.

Based on the results of a needs assessment conducted in 2008 by Save the Children and EJ-YMCA, it was clear that an urgent psychosocial intervention must be developed to involve child ex-detainees and their families. Furthermore, the study indicates that social support is a good protective factor, sparing the child from negative psychological implications. Nonetheless, due to the traumatic experience of detention and arrest, ex-detainee children report difficulties in trusting others. These results led to the creation of a comprehensive programme that can deal with the different outcomes of detention. Through the **Post-trauma Rehabilitation of**

Ex-detainee Children in the West Bank Programme, child-ex detainees go through trauma-focused interventions, learn problem-solving techniques and positive coping mechanisms. Recreational and ventilation activities and academic and vocational support are being offered in order to facilitate the healing process. Parents of ex-detainees go through an educational support process to strengthen their own ability to cope, and to ensure a return to normal life for their children. On the other hand, counsellors and community workers will go through a capacity development process, in which skills of early detection of the needs of child ex-detainees and a holistic approach in planning, intervening and referral practices are acquired. On the emotional level, child ex-detainees also reported that they relived their worst and most frightening moments during detention. This seems to be the case especially when they are asleep, as they are likely to have nightmares and wet their bed. Other manifestations of the symptoms of the psychosocial difficulties that were reported are increased levels of fear, agitation, frustration, sadness, lethargy, depression, low self-esteem, anger, accompanied by hostile and aggressive behaviour towards others or themselves. Children do not feel secure and communicate less and resort to isolation as they lack sufficient coping mechanisms to overcome such high levels of psychosocial difficulties. From extensive field experience, it is reasonably assumed that the impact of the detention on child ex-detainees, within this proposed action will be divided into three levels of impact that are low, moderate and severe. The Rehabilitation Programme will continue to ensure that all the children will receive appropriate interventions that are built on their needs to support them in their return to normalcy.

Picture taken by an ex-detainee boy.



Areas of intervention and geographical distribution of beneficiaries

The Rehabilitation Programme has 11 offices throughout the West Bank covering all 11 districts, from the south to the north (see map). Hence, field workers are able to reach out to the most marginalized people who are either living in Palestinian cities, refugee camps or remote villages.

The programme also reaches displaced families and communities, in addition to communities living near settlements and who are constant victims of settler attacks and Israeli army invasions, especially those who live in the remote areas such as the Jordan Valley and the eastern slopes of the West bank. This outreach is successfully implemented by a committed team of counsellors distributed according to the needs of the region (see map).

Area / Office	# ofCounselors
Hebron	3
Jerusalem	2
Bethlehem	2
Jenin	1
Tubas	1
Ramallah	3
Tulkarem	1
Qalqilia	1
Nablus	2
Salfeet	1
Grand Total	17

Both senior and junior psychosocial counsellors receive periodical training in various subjects related to their field of work. 4 to 5 trainings are conducted for the programme counsellors each year, either by local or international trainers. So far, 1,000 ex-detainee children and



around 700 parents in total have benefitted from the programme, from its introduction in 2009. Since the start of the third year of the programme (from April to June 2011), beneficiaries from seven areas of the West Bank have profited from the programme. The majority of children enrolled in the programme came from Nablus and Salfit (22%) and Hebron (20%). In total 309 children received assessment sessions, individual sessions or group intervention sessions in the period between April and June 2011 (see tables below). In the same time range, 139 families received assessment sessions, 80families participated in family intervention sessions and 112 parents participated in parents’ group intervention sessions (see tables next page).

Distribution of beneficiaries



CHILDREN

	Assessment sessions		Individual session		Children group intervention		
	# of beneficiaries	# of sessions	# of beneficiaries	# of sessions	# of groups	# of beneficiaries	# of sessions
Jenin + Tubas	25	90	13	143	1	8	16
Nablus + Salfit	66	243	31	261	4	31	27
Jerusalem + Bethlehem	64	212	33	288	4	23	17
Hebron	62	260	31	202	3	26	9
Ramallah	59	291	30	188	3	18	18
Tulkarem + Qalqilia	33	122	14	107	1	7	8
TOTALS	309	1218	152	1189	16	113	95

FAMILIES

	Assessment Parents		Family Intervention		Parents group intervention		
	# of beneficiaries	# of sessions	# of beneficiaries	# of sessions	# of groups	# of beneficiaries	# of sessions
Jenin + Tubas	30	62	7	25	3	22	20
Nablus + Salfit	33	40	42	135	3	12	22
Jerusalem + Bethlehem	9	10	13	36	2	17	16
Hebron	20	36	12	33	3	22	17
Ramallah	40	84	2	12	3	31	30
Tulkarem + Qalqilia	7	11	4	7	1	8	9
TOTALS	139	243	80	248	15	112	114

Recruitment of beneficiaries and problems

The recruitment of beneficiaries is done through home visits and the referral system. The programme networks with community based and governmental organizations such as municipalities, village counsellors and NGOs and cooperates with them to reach the people in need of the services provided.

Programme counsellors visit beneficiaries at their homes and introduce different services to them and their families. One

problematic issue is the accessibility of villages that lie behind the Separation Wall. It hinders counsellors' ability to freely reach those villages. A very severe case is the village of Bartaa', near Jenin; the village is divided into two, with only one half of the village being reachable via special permits. Therefore counsellors are not able to access the area, although psychosocial help for child ex-detainees of this area is certainly needed.



：“The traumatic events of my past are not controlling me anymore; I took back control over my life and my emotions.”

J.A., detained at the age of 16

Counselling Approach

The Rehabilitation Programme utilizes the latest advanced therapeutic approaches to psychosocial counselling, done in either individual or group interventions. The main methodology that is adopted by the EJ-YMCA-RP is the Eye Movement and Desensitization and Reprocessing methodology (EMDR); other approaches are also used during group sessions, including music therapy exercises and behavioural theory approaches, depending on the needs of each group. The programme counsellors stay up to date with these methodologies through regular training that take place several times each year.

Child focused: psychosocial, educational, career-focused

Through its work, the Rehabilitation Programme focuses primarily on children and youths, the programme accommodates ages from 0-45 years, the majority of direct beneficiaries however, are children aged 18 and below. This segment constitutes almost half of the Palestinian population, is the most vulnerable demographic segment and is more susceptible to the negative effects of social and economic violence.

The negative effects that the detention experience can have on children are vast. It does not only have an impact on the psychological well-being of the child, but also on the reintegration process, e.g. the return to school and major educational obstacles, or the difficulties that most ex-detainees have to face for example when trying to join the labour market. The child-

focused counselling approach, therefore, aims at ameliorating all of these aspects in the life of a returning ex-detainee.

Family intervention

The family is emotionally and even legally bound to the responsibility of the child's well-being and support. However, children develop a certain degree of independence during detention as well as a severe aversion to authorities. Parents on the other hand, especially mothers, tend to become overprotective after having been in constant fear about their detained child. Thus the re-integration of ex-detainee children into their family can be very difficult. Each family member had to endure personal struggles regarding the detention experience of themselves, their older or younger sibling, their child etc. In addition, parents either, are not aware of the psychological effect and scars of detention on their children, or do not know how to best approach and cope with the re-integration process and potential trauma of their children. It is thus important to bring the family together and create a neutral atmosphere to share thoughts and emotions, which usually stays under the surface if not addressed in the safety of the professional counselling environment. The family is highly important for the re-integration process of the child ex-detainee, as the family unit can give the child his/her self-esteem, safety and protection back.

Family intervention is also essential during the psychosocial rehabilitation process of the child ex-detainee. During assessment the counsellor visits the child's home to get to know the family and assess their

situation. After the first session, one of the parents might be advised to join a group session or further family intervention could be needed.

Also, throughout the psychosocial counselling with the child, the counsellor visits the family for feedback on the progress of the child. Family intervention might be needed as the intervention with the child advances; some children reveal conflict or miscommunication with one or more family members during individual or group sessions.

Impact of rehabilitation

One of the main goals of the Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme is to provide the family members of the child ex-detainees and child detainees with psychosocial family intervention sessions and family support group sessions to raise awareness of their children's needs and gain their support in the re-integration process.

Based on a random sample of 120 families of ex-detainees, 82% had better communication with their children after counselling and were more supportive, while 75% were more aware of their children's needs. Based on mothers' reports, the largest improvement was with helping the child become independent (reported by 92% of the targeted mothers in the study) and the smallest improvement was with mothers' gaining skills in communication with their children (reported by only 63% of targeted mothers).⁷³

Remedial education, vocational training and

the referral components of the intervention could also be identified as helpful tools in the re-integration of child ex-detainees.

In phase II of the project, about 23% (78 out of 334 beneficiaries) of ex-detainees in the age group 15 to 21 received vocational counselling and vocational training. Almost 28% (92/334) of ex-detainees received remedial education. Around 46% (153/334) went back to school or college, 21% (71/334) are working, while 33% (110/334) are unemployed or dropped out of school. There are several factors contributing to this high percentage of unemployment among ex-detainees. First, the high unemployment rate among Palestinians in the labour force (21.7%), where the highest unemployment rate in the first quarter of 2011 was concentrated among youth aged 15-19 years, where it reached 38.4%. Secondly, businesses may be unwilling to hire ex-detainees, as they fear that they will be re-arrested. Furthermore, some were not able to benefit from the vocational training, as they had not completed the tenth grade, which is a requirement of most vocational training programs. Yet, despite all the challenges, there is room for improvement in the proportion of children who go back to school or who join the labour market; achievable with the help and support of the MoDEDA, MoEHE, MoL, and through the mobilization of the community through lobbying and advocacy.⁷⁴

Children reported that the programme, its activities and especially the counselling helped them in several ways. From helping them find a way to deal with their experiences to gaining hope in their future:

⁷³ Save the Children and EJ-YMCA Rehabilitation Program (June 2011). Final Evaluation Report. Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank.

⁷⁴ Save the Children and EJ-YMCA Rehabilitation Program (June 2011). Final Evaluation Report. Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank.

“The counselling helped me to deal with my problems, most of which I wasn’t even aware of having. I used to not think about things, trying to ignore and suppress them. I guess the Rehabilitation Programme helped me address these problems, digest them. It also helped me to get closer to my future plans (...)”

“I appreciate the fact that I can meet other young people who suffered from the same experience. I know it doesn’t make things better when you know injustice has occurred in other people’s life too, but you know, it gives you hope that you will survive it and grow beyond.”⁷⁷

“(...) the counselling and the contact with other ex-detainees were somehow soothing. Knowing that there is somebody who can actually understand what you have been through. (...) We also work a lot on our personality and abilities within the project (...) I loved the way the workshops stimulated the mind. I felt like it made every bit of my brain come to life.”⁷⁵

“It (the counselling) really helped me a lot by assisting me in decreasing my anger step by step. Through the programme I found my way back to the important things. Not having grief about what happened in the past, but concentrating on my future instead!”⁷⁸

“I never opened up to people before and certainly not after either. But slowly I started to gain trust in people again and it might help me talk about my experience. (...) In general, the Programme raised my perspective expectations for the future and also taught me to be patient and stick to what you believe will be of advantage for your life.”⁷⁶

⁷⁵ Full testimony can be found in the appendix of this report.

⁷⁶ Full testimony can be found in the appendix of this report.

⁷⁷ Full testimony can be found in the appendix of this report.

⁷⁸ Full testimony can be found in the appendix of this report.




：“It’s epidemic; they come and take our children away in order to break us emotionally. And that affects a whole society, a whole people – I think none of us ever recovered from the trauma of our children being taken away from us.”

Mother of three detainee or ex-detainee children

Role of community in re-integration process

The role of community in the re-integration process should not be underestimated; a child's development is undoubtedly influenced by the environment in which they live. Safe neighbourhoods help children explore their environment without restrictions, supportive parents help them build up a strong personality, adult mentors and caring teachers lead the way and give inspiration to children's development. Children and young adolescents need role models who assist them in developing a sense of social and civic responsibility. Above all, it is important that the community, not only assists child ex-detainees in their re-integration, but embraces them to make them feel welcome in their own society. This sense of belonging and trust is essential for a stable mental and emotional recovery. Thus, promotion and collaboration between all community resources is stipulated in Rule 1.3 of the UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"):



"sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with the view to reducing intervention under the law".

The mobilization of community resources includes: family, religious institutions, community groups, schools and all organizations involved in tackling the cause (e.g. organizations providing services or supporting ex-detainee children in any other way). Children who experienced detention have major difficulties in finding their place in their communities after detention; friends and neighbours distance themselves from the ex-detainees, as well as from their families, fearing that a linkage to them might get themselves into trouble. Furthermore, employers hesitate to hire ex-detainees, exacerbating the already difficult process of joining the labour market in the oPt. In addition to this, ex-detainee children, and particularly girls, face a societal stigma after their release. However, it is important to know, and preferable for a community to be aware of, that the re-integration of ex-detainee children into their surroundings requires reducing risk factors that may contribute to aggravation of their mental status. This includes the economic obstacles that ex-detainees have to face, as mentioned above, but also the stereotypes and prejudices that members of their community have towards them. This social stigma is a crucial factor in the isolation and mental and emotional distress, in which ex-detainees are likely to face following their release.

Not too many evaluations that would facilitate the identification of best practices and provide actual conclusions, as to the efficacy of specific interventions, have been made so far. However, looking at those evaluations that have been conducted, one can identify key features of interventions that seem to be effective in assisting

child ex-detainees to re-integrate into their community. This specifically includes programmes that provide a continuum of assistance from the release stage, and beyond, and involve close collaboration between justice, social service, health and other agencies and the child ex-detainee's family and CBO's.

Lessons learned and recommendations

The **Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme** tries to integrate the community, as much as possible, into the frame of re-integration of ex-detainee children. However, for an improvement of the situation of ex-detainee children, Save the Children and the EJ-YMCA make the following recommendations:

- Further improve partnerships between CBOs, other relevant agencies and community resources
- Combat stigma on ex-detainee children, especially girls, who suffer from even more severe prejudices about their detention
- Counter stereotypical views
- Economically support child ex-detainees with the goal to increase social acceptance
- Identify referral cases and simplify the referral process
- Refrain from marginalizing ex-detainees in any way (economically, emotionally, socially etc.) as it majorly hinders their successful re-integration
- Place more emphasis on designing comprehensive interventions,

based on a continuity of care and consistent assistance

- Improve training systems of appropriate organizations and institutions with the view to providing effective delivery of programme activities and services
- Provide and raise public awareness of the role and responsibilities performed by agencies
- Include the role of volunteers into organizations and institutions to maximize contact between different members of society as well as to generate understanding and empathy within the child ex-detainee's respective community

Conclusion

Each month, there are between 200 and 300 Palestinian children held in Israeli prisons. The conditions for these children are alarming; they are deprived of their basic rights as enshrined in both international and national law. Being subjected to physical or mental abuse, separated from their families and taken from a familiar environment, these children are left in a state of general confusion and vulnerability.

The findings presented in this report have shown the grave impact that detention, can have on children, regardless of its duration, while also portraying the difficulties faced by them when returning to their respective environments and families. It will not be possible to erase these negative consequences instantly after release, it will take a long period of time, if ever, until the child completely heals his or her mental wounds. The findings have shown that if this aftermath is supported and accompanied

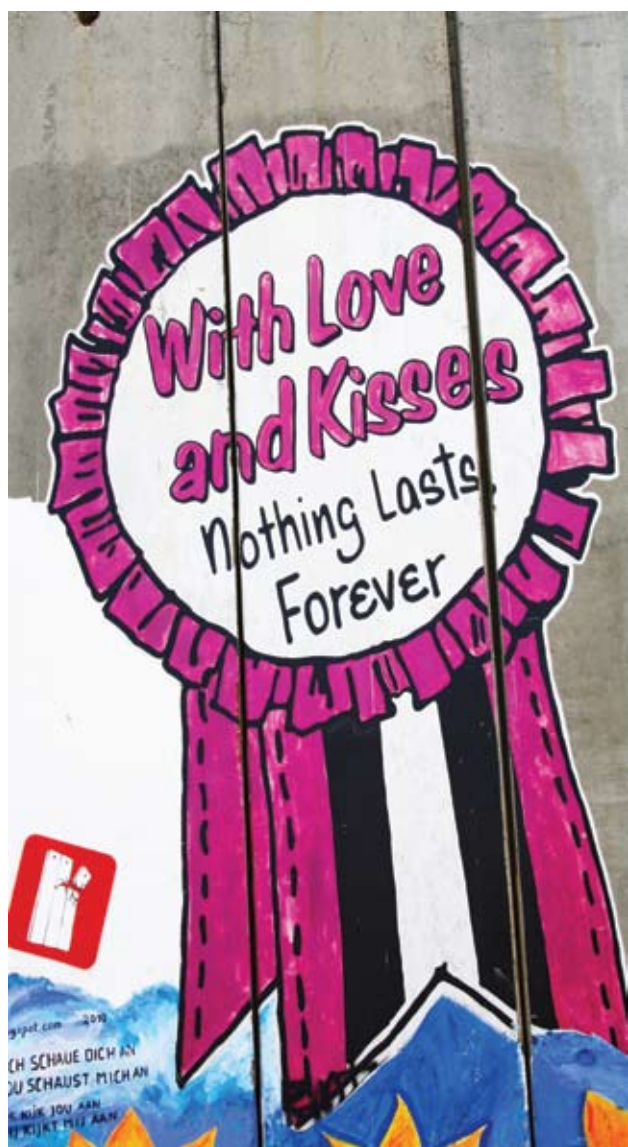
by adequate intervention programmes, it can both facilitate and accelerate the re-integration of child ex-detainees.

Furthermore, the chapter on the legal framework clearly shows that both the national and international laws provide explicit obligations as to who the duty-bearers are and what their role in the child detention issue is. However, the respective duty-bearers have failed to meet these obligations thus far. The majority of Palestinian ex-detainee children are still not able to enjoy their rights to their full extent, which severely hinders a healthy development.

This report urgently calls for a shift in the current handling of the child detention issue, for both the Israelis and Palestinians. Further legal, psychosocial and cultural intervention has to be provided to strengthen and facilitate the re-integration of Palestinian child ex-detainees. The **Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme** continues to provide these services, but Save the Children calls for all state and non-state actors to follow its lead, to help mitigate the impacts of detention on children.

Limitations

This report is based on focus groups with a sample of ex-detainees, CBOs, school counsellors and programme counsellors – these samples may not be representative for all respective groups/populations. The same applies to the in-depth interviews with ex-detainee children and families with detained or ex-detained children. However, in all interviews and focus groups, there are certain patterns of events, characterized by psychological and emotional similarities, which can be identified.



Graffiti message on Separation Wall in Bethlehem

Bibliography

- Addameer – Prisoners' Support and Human Rights Association. Administrative detention. URL: http://www.addameer.org/detention/admin_deten.html (last access: September 18, 2011)
- Allen, J. G. (2005). *Coping with Trauma: Hope through Understanding*. Arlington: American Psychiatric Publishing, Inc.
- Association for Civil Rights in Israel (ACRI) (March 2011). Violations of the "Youth Law (Adjudication, Punishment and Methods of Treatment) – 1971" by the Israeli Police in East Jerusalem. URL: <http://www.acri.org.il/en/?p=2428> (last access: August 21, 2011)
- B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories (July 2011). No Minor Matter. Violation of the Rights of Palestinian Minors Arrested by Israel on Suspicion of Stone-Throwing. URL: http://www.btselem.org/download/201107_no_minor_matter_eng.pdf (last access: September 19, 2011)
- B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories. Caution: Children Ahead (December 2010). The Illegal Behavior of the Police toward Minors in Silwan suspected of Stone Throwing. URL: http://www.btselem.org/publications/summaries/201012_caution_children_ahead (last access: August 21, 2011)
- Child Protection in the Occupied Palestinian Territory Structures, Policies and Services. The Institute of Community and Public Health Birzeit University and the National Plan of Action Secretariat. Unpublished report (April 2006).
- Cook, C., Hanieh, A., Kay, A (2004). *Stolen Youth. The Politics of Israel's detention of Palestinian children*. London: Pluto Press. 36f.
- DCI-Palestine. Juvenile Justice Annual Report, 2006.
- Defence for Children International – Palestine Section (March 2011). Palestinian Child Prisoners. Hearing European Parliament Sub-Committee on Human Rights.
- Defence for Children International (2009). Education in chains: Gaps in Education Provision to Children in Detention. An Overview of the Right to Education of Children in Detention. URL: <http://www.defenceforchildren.org/files/gabriella/Education-in-Detention-EN.pdf> (last access: September 20, 2011)
- Defence for Children International – Palestine Section (2007). Palestinian Child Prisoners.
- Foundation for Middle East Peace. Israel Required by International Law to Protect Palestinians Under Occupation. URL: <http://www.fmep.org/reports/archive/vol.-4/no.-3/israel-required-by-international-law-to-protect-palestinians-under-occupation> (last access: September 19, 2011)
- Fourth Geneva Convention. URL: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument> (last access: September 4, 2011)
- GracaMachel for UNICEF (2001). *The Impact of War on Children: A Review of Progress Since the 1996 United Nations Report on the Impact of Armed Conflict on Children*. URL: <http://www.unicef.org/graca/> (last access: June 19, 2011)
- Haaretz (May 2011). URL: <http://www.haaretz.com/news/national/police-detain-7-year-old-palestinian-boy-and-accost-relatives-family-members-say-1.364828> (last access: August 21, 2011)
- Haaretz. (October, 2011). URL: <http://www.haaretz.com/print-edition/news/following-criticism-idf-raises-age-for-palestinians-to-be-tried-as-minors-to-18-1.388197> (last access: October 13, 2011)

- Maslow, A. H. (1954). *Motivation and Personality*. New York: Harper & Row.
- Ministry of Planning and UNICEF (June 2005). *Child Protection in the Occupied Palestinian Territories: a National Position Paper*. Logo Production, Jerusalem, Occupied Palestinian Territories
- No legal frontiers, URL: <http://nolegalfrontiers.org/en/general-information/the-military-courts> (last access: August 17, 2011).
- No legal frontiers. URL: <http://nolegalfrontiers.org/en/general-information/juvenile-military-courts> (last access: August 17, 2011).
- Palestinian Central Bureau of Statistics: Child Statistics Series (No. 14, 2011). *Palestinian Children – Issues and Statistics Annual Report 2011*. URL: http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1740.pdf (last access: June 22, 2011)
- Particip and Soges (June 2010). *A study of juvenile justice in the occupied Palestinian Territory*.
- Piaget, J. and Inhelder, B. (1966). *The Psychology of the Child*. London: Routledge & Keegan Paul.
- Save the Children (2008). *Child Rights Situation Analysis (CRSA). Occupied Palestinian Territory*.
- Save the Children (2011). *Child Rights Situation Analysis (CRSA). Occupied Palestinian Territory*.
- Save the Children and EJ-YMCA Rehabilitation Program (August 2008). *The Social Rehabilitation of Palestinian Child Ex-Detainees: A long Run to Freedom. A report to assess Palestinian children's needs and rights after detention*. URL: <http://sca.savethechildren.se/Documents/Resources/The%20Social%20Rehabilitation%20of%20Palestinian%20Child%20Ex-Detainees%20%28ENGLISH%29.pdf> (last access: September 19, 2011)
- Save the Children and EJ-YMCA Rehabilitation Program (June 2011). *Final Evaluation Report. Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank*.
- Save the Children and EJ-YMCA Rehabilitation Program (March 2011). *Mid-term Evaluation Report. Post-trauma Rehabilitation of Palestinian Ex-detainee Children in the West Bank Programme*.
- Save the Children, Programme Summary 2011, URL: <http://mena.savethechildren.se/PageFiles/3827/SCS%20OPT%20Programme%20Summary%202011.pdf> (last access: September 17, 2011)
- Speech by Ms Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe. Heading to the "Justice for children Decade"? FRA Conference on "Ensuring justice and protection for all children". Brussels, 7-8 December 2010. URL:
- This Week in Palestine. Issue 154. February 2011. URL: <http://www.thisweekinpalestine.com/details.php?id=3326&ed=191&edid=191> (last access: September 5, 2011)
- UN Convention Against Torture. URL: <http://www2.ohchr.org/english/law/cat.htm> (last access: September 4, 2011)
- UN Convention on the Rights of the Child. URL: <http://www2.ohchr.org/english/law/crc.htm> (last access: September 4, 2011)
- Wadi Hilweh Information Center – Silwan (March 2011). URL: <http://silwanic.net/?p=13100> (last access: August 21, 2011)
- Weill, S. *International Review of the Red Cross*. The judicial arm of the occupation: The Israeli military courts in the occupied territory. Volume 89, Number 866. URL: http://www.icrc.org/eng/assets/files/other/irrc_866_weill.pdf (last access: September 18, 2011)

Appendix

Name:	R. R.
Date of incident:	3 October 2008
Age at detention:	17 years
Period of detention:	8 months
Location:	Tulkarem, occupied Palestinian territory

Before detention:

I was very social, I had a lot of friends and I enjoyed hanging out with them. Going out, exploring life, just what every young man likes to do.”

Day of detention:

“It was just right after *Tawjeehi*. Two friends and I decided to go on a trip just outside the city to celebrate. After having finished our food, we headed down the hill. It was around 3:30 pm and when we arrived at the bottom of the hill, settler security was standing there, as if they were expecting us. They screamed at us to kneel down and put our hands up. ‘What are you doing here?’, they kept on asking. While one of them was pointing a gun at us, a second one searched us, yelling ‘Where is the knife?’ and **‘We have been watching you since the morning.’ We had no idea what they were talking about.** Later we found out that there was a fire in the morning, close to a settlement that is in a 3 hours walking distance from where we were standing. Apparently, they were charging us with arson, although we could not have been where we were and at a 3 hours walking distance at the same time, it is logical, isn’t it? The settler security then called soldiers, telling them they arrested three boys from Tulkarem and asking them what they



should do with them. **They handcuffed only one of us at the back, then they pulled our hands and pushed us to the floor. After 15 minutes on the ground the soldiers in the Jeeps arrived, handcuffed me and my other friend very tightly at the back.** For about 2 hours they kept us on the floor until it got dark, while joking and laughing about us. It was all in Hebrew, so we didn’t understand the questions and comments they were making. Every time we were talking, they would hit us with the tip of their guns. Jeeps with soldiers kept on coming, adding up to a total number of seven. Each of us was taken into one jeep and brought to, what I believe was, Yabad, Jenin. They blindfolded us in the jeeps and then stopped at the middle of the road, examining us. **From the bottom of my blindfolds I could see the hand of a female soldier checking my blood pressure and taking blood samples there, in the middle of the street!** After a 45 minutes ride they brought us to

a base and into a container what seemed to be serving as interrogation room. But instead of being interrogated soldiers examined us again, checking my heartbeat and asking me about diseases, then they gave me an Arabic letter about additional medical information. I was surprised about the whole procedure and didn't know what to expect. They denied me a glass of water, even though I kept on asking for it several times. Each of us went through the same procedure, one by one was then sent back into the car. We weren't allowed to talk, we just heard soldiers coming every few minutes, opening the doors, laughing, joking and slamming the doors very loudly. We drove somewhere; it was a long drive. From peaking out of my blindfolds I could see the time on the driver's side: it was already 10 pm. We stopped at that time and the car didn't move ever since until 3 am. That is when five soldiers came and put down our blindfolds. They handed us over to the shabbas (prisoner's police); it was Salem prison. The police mocked us by telling us in Arabic 'Sorry for letting you wait, we just had a really hard time finding you a room in prison'. We had to change our clothes and give away all of our belongings. They brought us to the cells, there were five of them, each one had ten beds, they pushed us in saying 'Respect us, so we can respect you'. In my cell there were 6 other men, all in different age groups. It was already 4 am, **the window was blocked, there was no light, it seemed to be a nightmare, but it really wasn't.** We were taken on a Thursday and on Saturday, we were interrogated by an Israeli who introduced himself as 'Fouad'. **'If you help us, we won't be harsh on you' he said. 'If you see something or someone doing bad against us, call us, just like you would call us when you would see fire' and 'If you help us we can have less**

bloodshedding.' I was then brought to another prison, Jalameh. The interrogation room there was dark, all metal, no light, just me all alone, hands and feet cuffed to the side. I stayed there for hours. Every once in a while somebody would enter the room, ask if I am R., laugh at me and leave again. This went on for hours. The second day the interrogator kept on blaming me for setting the nearby settlement area on fire and throwing stones. **Then he gave me a letter with a list of charges, it was in Arabic. He told me to sign it if I do not agree with it.** After that they put me into the 'bird's cell': it is a cell full of Palestinian collaborators. They were trying to gain my trust but I didn't want to be a traitor to my country, so I barely spoke to them. After 10 days, I got transferred to Megiddo, stayed there 6 days and was sent back to Jalameh, after they realized that one of my uncles was in Megiddo, too, and I could have had contact with him. What followed was constant interrogation for 20 days, except Fridays and Saturdays. For six days, I was brought before court every day, the lawyer that was appointed to me just before court didn't speak a word. **'You will get three months in detention. Every three months we will add three months more, until you confess.'** I was scared to end up in prison my whole life, so I confessed on the last day. **My parents were allowed to come only once: I didn't see them, because it was the day they transferred me to Nakab, where I stayed until the end of my sentence.'**

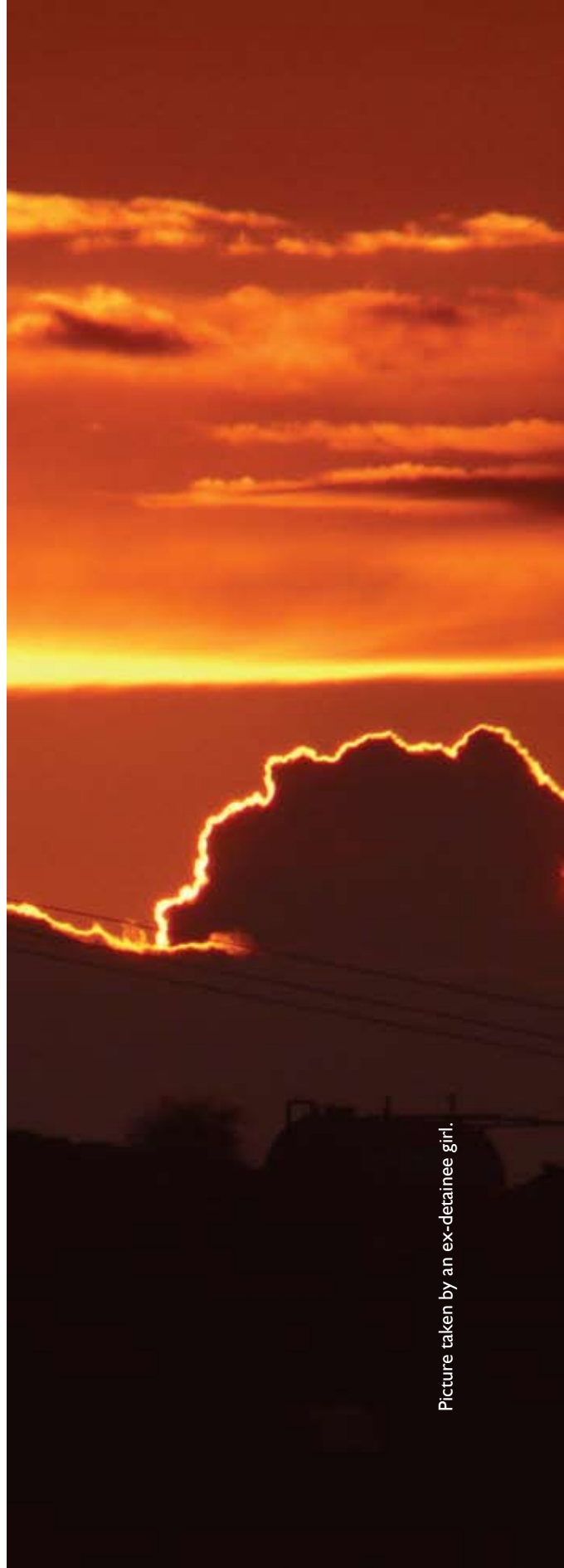
After detention:

"My personality changed completely after detention. Before detention I wanted to study nursing, I thought I could cure people with it. If you ask me, this region is sick and

needs to be cured. I left this wish behind, I am going now for journalism instead. I want to get the message out there, to as many countries as possible, about what is going on in Palestine. I feel like, I can 'cure' more people this way, simply because I can reach more of them. Although some people look at me like a hero now and encounter me with respect, **I still feel ashamed for what happened, it stigmatized me.** My relationship with my friends changed, too: they stayed away from me and didn't want to talk to me anymore. I think they were afraid of what happened to me could happen to them, if they were seen with me. I also think it is because they lost trust in me: everybody knows about the 'birds' in prison, and people from outside maybesaid that they managed to pull me to their side? **They didn't, I don't want to be a traitor to my country."**

Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"The programme was of huge emotional and psychological help. The counselling helped me to deal with my problems, most of which I wasn't even aware of having. I used to not think about things, trying to ignore and suppress them. I guess the Rehabilitation Programme helped me address these problems – digest them. It also helped me to get closer to my future plans: photography workshops built the way to my journalism studies. Today I take photography classes at university and I can see how much of an incentive it was for me to start my new ideal profession. **The programme and my counsellor also built up my confidence; it filled gaps in me, that I felt were weakening me right after detention."**



Picture taken by an ex-detainee girl.

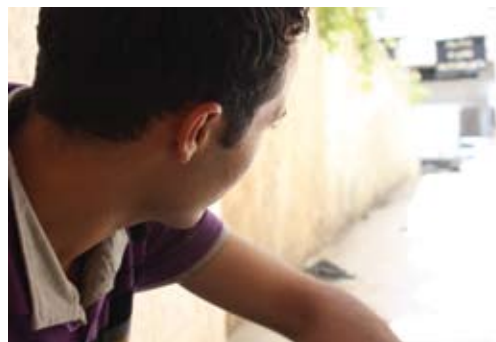
Name:	M. S.
Date of incident:	26 June 2005
Age at detention:	17 years
Period of detention:	14 months
Location:	Saida, occupied Palestinian territory

Before detention:

I had a very open life: I went everywhere, was very curious about my surrounding, had very high grades, way above average. I was very much into IT, programming etc. I never had the urge to play games on the computer; I just wanted to make something out of my life.”

Day of detention:

“It was around 10 am. Me and my three little brothers (6,8 and 10 years at that time) were with my father on his farm in Saida. We spent the morning picking apricots. As we wanted to leave, we were stopped by around 7 to 10 soldiers. It felt like they were just waiting for me. The whole city was full with them, they were staying at some houses, looking for people at night. We went to the field very early in the morning just because we thought it might be calmer. Everybody was terrified by their presence. They asked for my ID and spoke in Hebrew to my father. ‘We want you to come with us’ they told me. **My father was silenced, he wasn’t allowed to talk. I will never forget the screams and crying of my little brothers, when they saw me being blindfolded and handcuffed right in front of their eyes.** They took me with them and we drove for ages. Afterwards I realized we must have made circles, because when they removed my blindfolds I saw that we were in my uncle’s house. They made me sit on the



floor for hours. I was just waiting, I wasn’t allowed to move or talk. After that I was brought to the settlement Quadumim, where I stayed for 3 days in a tiny cell with six other older inmates. **When I arrived there they made me sit on the ground in the burning sun for about 4 hours. I was scared, I could hear soldiers walking and talking all around me. I was afraid they might push or kick me. Instead they passed by and cursed and yelled at me: ‘You are a dog, you lead to chaos, you’re nothing but a troublemaker’.** After that they searched me like an animal, in the most awful way. The whole three days were awful: we needed permission to go to the bathroom, the food smelled bad, nobody ate anything, it was not only bad, but also just a tiny portion. We had to sleep on the mattresses together or on the floor, as the cell was really tiny and overcrowded. Every day at 4 am the soldiers would come with guns into the cells and do the ‘counting’. We had to kneel down, hands on the head. **In that awful place, nobody could come in or**

out, nobody could interfere, there was no lawyer, no judge, no nothing. After those 3 days, I was brought before court, it was the weirdest thing: the lawyer and the judge would talk for a bit to each other, me I was invisible, nobody would talk to me or, let alone, tell me the charges against me. After the first time in court I was interrogated and threatened, that if I don't confess I will have to endure "some torture and other 'good' stuff". They had something in their hand that looked like a huge stapler and threatened to beat me up with it, if I don't sign the confession letter that was all in Hebrew. I was very short and skinny for my age, so the soldiers would laugh at me and mock me because of my appearance. During the whole period I was brought to court over 10 times, these were the hardest days. It would take them one full day to bring me to the court and back. I had to sit on the dirty floor of the jeep with bugs running over my skin, the handcuffs were always so tight on a court day that our wrists were bleeding afterwards. It was always the same procedure, they were telling me, 'We have this and that charge against you, do you confess?' I said 'No' and they brought me back to the cell. I was charged with 'supporting troublemakers', because my uncle, whom the IDF killed later on, was wanted by them and I dared to bring him food one single time. I was so sick of being brought to court each and every time anew. I confessed and got 14 months. I was transferred to HaSharon for 90 days, Ofer for 1 month and then Nakab. The constant transfers were a way of torture, too, once I got used to my environment I got transferred. **I witnessed twice – once in Ofer, once in Nakab – what is known under 'Qama' [from Arabic: suppression or humiliation] in prison.**

The soldiers would use it to teach us a lesson, improve our behaviour, or so they would say. In these nights, all soldiers being in the prison stormed the cells, hit the prisoners with whatever the soldiers could find and carry in their hands, they pumped something like teargas into the cells. After Qama, you could not find one single person that was not injured. The soldiers broke legs, arms, hands. If one hand was broken, they broke the other one, too, instead of bringing the inmate to a doctor. In general: nobody was allowed to see a doctor afterwards. Before this operation, the prison personnel made the strong men leave the cells, these were usually the times they would transfer them, so no strong men would be there during Qama, nobody who could resist and fight back. After I left prison, I heard of one of my friends, who got shot during Qama: the beat him so strong that he needed an ambulance, but instead of bringing him to a hospital they shot him⁷⁹. And even if they let you go to a doctor, those doctors didn't care; even to those with cancer they would only say 'Drink water, that'll cure you'. I tried to pursue my *Tawjeehi* inside prison, but it

⁷⁹ On Monday 22 October 2007, in the early hours of the morning, whilst the prisoners were sleeping, the IPS riot control unit, the Massada Unit, carried out a search in the prisoners' cells; this allegedly was a search for weapons and other items prohibited by the prison authorities. Mohammad Sati Mohammad al-Ashkar, 29 years of age. Al-Ashkar, from the town of Saida, near Tulkarem, was serving a two-year sentence and was due to be released in January 2008. Lawyers who visited the prisoners state that nine prisoners were severely wounded and required hospitalization; they also state that up to 260 prisoners were lightly injured, including those suffering from breathing difficulties. There is evidence to suggest that clubs, tear gas and possibly rubber bullets were used by the Massada Unit during the unrest. *Haaretz* newspaper reports that about 15 wardens were lightly wounded. To date, there have been no press reports or publicizing of any weapons or other items having been uncovered in the raid.

was nearly impossible because we weren't allowed to have any books in there. We got books only from those people staying over 10 years in prison; they were allowed to get one book every year. My parents came to visit me 7 times in total, the first time they were allowed to come was over 4 months after my arrest."

After detention:

"I was really lost in school and in life. I was taken right before my *Tawjeehi*, and it was the last year with the Jordanian curriculum. However, when I tried to re-enter they changed the Jordanian into the Palestinian curriculum, and it was just a mess, all new and hard to get in for me. Also there were some political and social problems: sometimes they would close the schools for two weeks, or once they even closed it for more than 2 months because of a teacher strike. On a personal level, my social abilities suffered a lot from my detention experience; I got mad at the smallest things. I felt lost, scared and isolated. But now I have new hope, I got over things, of course you never get over them completely, but at least you can try. I now study management and, just for fun and to do something with my hands, I work as a hairdresser. I like the combination of brain and hand work."

Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"I started with the programme about one year after my release. I wish I would have known earlier about it, the counselling and the contact with other ex-detainees was somehow soothing. Knowing that there is somebody who can actually understand what you have been through. I like the ventilation weekends the most, because it gets you in

contact with other young people who had the same experience. We also work a lot on our personality and abilities within the project, for example we sometimes have these vocational assessment to see where our physical and mental abilities are. I loved the way the workshop stimulated the mind. I felt like it made every bit of my brain come to life."



Picture taken by an ex-detainee boy.

Name:	M. G.
Date of incidents:	October 2010, November 2010, December 2010
Age at detention:	12 years
Period of detention:	24 hours
Location:	Silwan, occupied East Jerusalem

M. refused to talk during the interview. He appeared to be very introverted uninterested and resigned. The information taken during the interview is fully given by his mother.

Before detention:

M. used to be outgoing and social. He used to play football a lot with his friends. He has three younger sisters, with which he had a good relationship with before. He used to listen to what I was saying to him and respect me as his mother."

Days of incidents:

"He was taken to prison 3 times, every time for about 24 hours period, once in October, once in November and the last time in December of 2010.

1st time: "The Israeli soldiers came to our house at around 4 am and knocked at the doors. My husband did not let them in because he was too worried about them taking our son. When the soldiers finally gave up, they left leaving a note at the door telling M.'s father to send our son the next day to the Israeli court. My husband was worried, he didn't know what might happen if M. did not go to court the next day, so he sent me and M.'s uncle to court with M.. After spending hours in court trying to charge M. with a felony, the Israelis asked us to pay a 1,000 Shekels fine, but I told them that we can't afford it, so they made us pay 250 Shekels instead and released my son."

2nd time: "M. was on his way to school



in the morning around 8 am; he had to walk a long distance every morning to get to school. On his way to school that day with his friends, he ran into Palestinians throwing stones at Israeli soldiers and the soldiers shooting in return, M. and his friends got scared and hid until the clashes were over. As soon as everybody left, M. and his friends continued walking to school and ran into Israeli soldiers. The Israeli soldiers thought they were some of the Palestinians that were throwing stones at them. One of M.'s friends was able to escape and run to our house and to tell me what happened. I told my older son to go check on what was going on and if he can help his little

brother, until I put on my clothes and follow him. But before I even left the house my son came back to tell me that the Israelis had already taken M. After about 5 minutes, M.'s father received a phone call from a guy called Shadi, who is the interrogator from Al-Moskobiyyeh, telling him that our son is with them. Me and the uncle, we went to Moskobiyyeh⁸⁰ together, but the soldiers only let me go through. Once I got in, me and M. sat in an interrogation room, but I was sitting in the back and was not allowed to open my mouth, they threatened to kick me out otherwise. The interrogator kept asking M. why he threw stones at the Israeli soldiers and why he is a troublemaker. I wanted to take M. out of there, and leave, since I had a 1-year-old at home. **They said 'No, he has to confess first' to which I replied that there was nothing to confess about. 'This is because you taught him at home how to lie and not tell the truth'. I was angry and told them that no one can teach them anything since they, the Israelis, keep on taking our children out of the school.** He kept trying to charge him with something, but M. kept denying everything and telling him he did nothing. M. was released around 8 pm.”

3rd time: “M. was playing outside school after classes were over, at about 1 pm, and soldiers came and threw gas bombs. Everybody started running, while M. was running, he smelled the gas and fainted. The soldiers kicked him and kicked his friends in the street. M. was taken to Moskobiyyeh till 7 pm. The Israeli soldiers accused him of destroying an Israeli car. The last 2 times M. was taken, I signed a letter saying that we are going to pay 5,000 Shekels as a fine, but we couldn't afford to pay more than 250 Shekels.”

⁸⁰ Moskobiyyeh = interrogation center of Israeli police on the Russian Compound, Jerusalem

After detention:

“M. has a lot of nightmares at night; he sometimes screams, shouts, and cries. His father comes and calms him down, me, I pray next to him. Once he is calm, he goes back to sleep and does not remember anything about the nights once he wakes up in the morning. **M. is too scared to play outside our house because he is afraid that the soldiers might come anytime and take him again.** Silwan is filled with Israeli soldiers because they are trying their best to take the land, saying that it once had an important synagogue. At first, M. did not want to go to school at all. He used to cry hysterically, and after all I am a mother and told him that it was alright not to go. Later, he started going to school again. **His grades after detention are much worse than his grades before. My son doesn't play football anymore. He hardly leaves the house. My husband and I brought him a computer and more toys so he would have something to play with in the house. Us as parents are worried, too, about him leaving the house. Every time he sees soldiers from far away, he keeps running and hiding till he can't see them anymore. He is completely traumatized. What happened to him, happened to all of us – to us a family and to all of Silwan too.**

He now also has anger issues and gets mad at the smallest things. Especially with his younger sisters, he loses his patience very easily. For example, he hits them if one of them is watching a television channel that he doesn't like. He also argues and shouts at me a lot, even though he is more honest with me than with his father. My husband is even more overprotective than me, as

he spent time in prison himself, like almost all inhabitants in Silwan. If M. tells him the truth, my husband would get too angry and worried. He is very controlling. **He would say to our son: 'If you leave the house and get taken to jail again by the Israelis, I won't come to bail you out, so you better not leave the house.'** He says that because he is scared to his bones about our children, and of course it might come out too harsh. **Whenever the kids in our neighbourhood try to play outside, the settlers throw gas and sound bombs at them to scare them away. This happens extensively on Fridays after prayer.** The Israelis destroyed the garden around our house telling us that it was illegal. We also have a court date about the fence and have to pay a fine. **Living here is not easy, and they don't want us to have a normal life here in the first place. That is why they come and take away the children, to intimidate them, to intimidate all of us.** An Israeli settlement is right across from our house and soldiers used to always stand in front

of M.'s school claiming that it is for the settlers' protection. Us parents had a meeting at our children's school and decided to do something about it. We installed cameras all around the school to prove that the students do not do anything wrong to the soldiers, but it is the soldiers that are troublemakers. Once the soldiers found out about the cameras, they got scared and stopped standing in front of the school as often as before."

Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"M. became more social and outgoing, the programme helped him a lot. He is less harsh with his siblings, in fact, him and his younger sisters developed a relationship that one could characterize as friendship. He is not as scared as before. His counsellor really gave him hope for the future and brought back the love for life into him. M. wants to give his children everything he does not have but wants and needs, such as a big house with a room for each child and a lot of toys."



Picture taken by an ex-detainee boy.

Name:	H.Y.
Date of incident:	9 September 2009
Age at detention:	17 years
Period of detention:	8 months
Location:	Bil'in, occupied Palestinian Territory

Before detention:

I was a normal kid. I went to school, was very outgoing and social. I loved being around people and talking to them.”

Day of detention:

“It was during Ramadan. I was working in a bakery during that summer in Ramallah. Before that, the soldiers came 5 or 6 times to my house to look for me. I never was at home, because I spent my time in Ramallah. Everytime they would break into our property, enter our house, tell the whole family to go outside and wait, while they broke things inside of the house. Every time they left a letter that dictated me to go to the Ofer prison. They came almost every night at around 3 or 4 am, but couldn't find me. I tried to stay away from the house, never sleep there etc. But one day my father received a call from an Israeli who called himself 'Fouad' and who was the captain of the soldiers in our area. **He told my father: 'Bring him in or we will shoot him.'** I went to Ofer on the 9th of December; they immediately asked me to step aside when they saw my ID. They brought me into a freezing cold interrogation room. The interrogator made fun of me, asking 'What took you so long?', 'Why do you throw stones?' and **'We have 9 people who confessed that you threw stones.'** He then read out those 9 names, and I was surprised, because I never heard any of them before. After



that, I was brought to another interrogation room with 2 interrogators. **They turned off the lights and made me stand handcuffed facing the wall for about 30 minutes. When they came back, they didn't turn on the light, it was just a bit brighter as they left the door open a bit. They were very mean, making weird noises and pushing me against the wall. I couldn't take it and told them to just shoot me since they won't believe me anyway.** They sent me to the Ofer camps then, each section has about 4 tents and 60 people. Four days later I was brought to interrogation again. **This time it was even worse: the interrogator's words were filthier and he kept on insulting my mother and my sister saying shameful things. Then he slapped me in my face, and I told him I prefer being hit than insulting my family.** They would leave me alone in the room for many times, each time for

about half an hour. Sometimes big, huge interrogators would be sent in, 3 or 4 of them, to just stand there and stare at me. I guess they tried to scare me. That day I was given a letter in Hebrew which I was supposed to sign, I asked the interrogator to tell me what is written on it and he just said 'Nevermind, just sign. Do not care about what is written there.' They took my fingerprints and information to form a profile. Then they put me, for 6 hours, into a dark container and then back to the tents. After one week, I was sent to court and rejected the lawyer that had been given to me; I couldn't trust anyone. I went to court for about 30 times in those 9 months and transferred after 8 months. My last 20 days I spent in Rumani, on Israeli side. Once a year they took pictures of prisoners in prison, I still have them and look at them with unclear emotions. **In all 9 months, my family was allowed to see me only twice. I remember one incident, where I was sent into solitary confinement as a tool of punishment.** Once a soldier was killed at a checkpoint and I read the news out loud to the other inmates, they couldn't see the TV. What happened was that the soldiers thought I was making fun of the young man's death and screamed at me and then put me into solitary confinement to punish me. On my last day, I was taken with two others in a courtyard with fence around it. I waited there for hours and they drove us to a checkpoint close to Tulkarem, from where we had to find our way home by ourselves. **It wasn't the first time I was detained: they took me the very first time when I was 11 years old. They kicked me even back then during interrogation or send in female soldiers to tease us, make us stand in places for hours and**

stuff like that. I guess some things just never change."

After detention:

"I definitely became less social, in fact, I lost all of my friends and preferred staying at home. I didn't even go out when my mother asked me to go run some errands. I would get easily mad at every single thing, no matter how tiny it was, I just got angry at everything and everybody."

Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"I received group and individual counselling through the programme. After enrolling in the programme, I went back to school. It gave me hope and changed the feeling that it was only me who suffered during this experience. I found peers who had been through similar experiences. The programme also opened up new doors and fields for me; I attended several workshops, one of them was photography. It really helped me in making future plans. I would love to pursue a career in journalism and show the world what really is going on in Palestine."

Name:	M. E.
Date of incident:	15 November 2010
Age at detention:	15 years
Period of detention:	3 months
Location:	Aroub

Before detention:

I had a normal life before. I went to school, had a lot of friends. In my free time I helped my family on their farm, read or studied for school, played football or went on trips outside the camp.”

Day of detention:

“It was the night of Eid Al Adha, **2:30 am**, in the middle of the night, somebody knocked loudly on our door and woke us up. All my male family members went downstairs and found soldiers in front of our house. We were six, my father, me and my brothers. They asked for our IDs. When we went downstairs we thought they were outside waiting, but out of nowhere there were suddenly soldiers behind us, they were already inside the building, I didn’t understand why they were knocking then. **When the soldiers looked at my ID, the soldier said ‘Sababa (Arabic/Hebrew for “Cool/Alright”)** I am going to take you with me.’ He told me to go upstairs and change. When I went up soldiers were already in the middle of searching my room. I had no idea what they were looking for and asked them if they need any help, I figured if they tell me what they want I can have them get it faster but they refused. **They also tried to go into the room where my little sisters were sleeping, and that is when my brother got really mad, telling them they have no business to be in that room. He started arguing**



with the soldiers, all of them were screaming and shouting at each other until my father separated them. They gave my brother a ticket, telling him to come to court the next day because of what happened. My brother tore the paper and never went.

The responsible soldier for that unit was still in my house, while another soldier brought me outside. **He ceased the moment, started hitting me on our way out, pushing me against the wall; I even got scratch marks from this afterwards. He started cursing at me in Arabic and handcuffed me very tightly; I couldn’t feel my fingers anymore. I was really scared, as I was standing with him and other soldiers alone outside. They took my glasses off and put some sort of full-head cover over me. They continued hitting and slapping me, as if they were just waiting for my head to be covered so that I could not see them anymore. They brought me to their jeep and**

kept on pulling me up and down on my handcuffs so that I had to kneel down when they pushed me down, and try to gain my balance back to stand up when they pushed me up. It made the way to the jeep so much longer, I could barely keep my balance as I also couldn't see a thing and couldn't move properly with my hands cuffed. The vehicle they brought me to was a Bosta. It is an all-metal and iron bus, with no seats in the middle only on the sides – these were for the soldiers. We were waiting in there for 30 minutes, until they brought another person they detained. We drove to the police station in Gush Etzion. I was in this metal monster for about 7 hours, enduring beating on my side and back. I couldn't tell how many soldiers were with us in that jeep, but I heard many voices. Sometimes they would 'sing for me': making up Arabic songs with my name, using a lot of curses in Arabic and in Hebrew. **My parents weren't allowed to come with me; I wish they had gone with me though; maybe they would not have dared to beat me then. I also wasn't allowed to use the bathroom once they brought me to the interrogation place.** It was a huge guy, probably 2 metres tall, who asked me all sorts of questions. He was very intimidating. "Were you at the protests? Why did you throw stones?" I kept on telling him that I didn't take part in any demonstrations and that I didn't throw stones either. But no matter what I said, they made me sign a letter in Hebrew. The pressure was just too much; this huge guy, the room full of metal and iron. It was so hot in there! They made me stand still in a corner, hit me from behind and pushed me against that corner. I remembered my brother telling me, that the soldiers would hit you even more if you don't sign. My brother was detained when he was 16 and sentenced to 47 months,

my uncle is in prison for 27 years. With all of this combined, I signed in the end. Five days after I was taken, the lawyer came for the first time. I wanted to be with my family for the Eid celebrations so much, but I couldn't. **On Eid and every once in a while they made us clean all cells and a huge laundry room. They would say, 'Are you out of cigarettes? Come clean and we will give you cigarettes and coffee'.** I spent 15 days in Gush Etzion, was brought to court and then transferred to Ofer prison. **My family never visited me, they didn't get a permit from the prison to come and see me. Two of my brothers did get in though, but it took the Israelis four months to grant it to them, by that time I was already out of there anyway.** In prison I read all the time. Other inmates' parents brought books for their children and we passed the books around. I was depressed all the time, bored, sat alone most of the time, didn't bother to interact, the whole situation just seemed so tough and surreal. I was floating in a lot of thoughts in my head and a lot of emptiness at the same time. **In the inside of these prisons, every man is for himself.** My worst experience in prison, other than that time seems to work against you and goes by so slowly that it hurts, was the naked strip searches. **I felt so humiliated, and while I would undress they would make fun of me and insult me.** I was so happy when I finally got released; they brought me to the Qalandiya checkpoint where my parents picked me up. They must have waited for a long time, I will never forget their faces when they finally saw me."

After detention:

"I lost 3 months of school. In order to get back again you need a list of permits and verifications that you were really in prison, and that this is the reason you missed school. It was a hassle and an additional burden on my mind. My friends stayed away from me, as they were scared that they could be associated with me and hence detained too. As for the society in general, today it is somehow normal. There is no real stigmatization, but no real empathy either. They just don't care and everybody wants to mind his, or her, own business. I had a hard time dealing with people and family in my environment. I was always angry, preferred to stay inside as much as possible, became nervous, smoked a lot; I didn't smoke before, prison taught me how to smoke. As for future planning, I still have hopes and dreams. First of all, I want to finish my education and study nursing, possibly abroad. I am just bored of being here. New country, new people, new experiences – that would be fun."

Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"I knew about the Programme from my brother. I participate there in a lot of workshops like animation and theatre, it is very helpful for me and interesting. It is a good way to get to know different subjects and spend your time wisely. I also get counselling sessions. We talk a lot in these sessions, it makes me think a lot and digest my experiences."

M.E.'s Mother:

"M. became very independent after prison. To such an extent, that he would not let anyone help him or get close to him again. He trusts himself only. It took us a while to find a way to approach him. He also was very obstreperous and got mad at everyone trying to get close to him. He is more depressed and way older than he is supposed to be. As a mother, I can feel that he is lonely and scared inside. I just fear he lost an important part of his childhood and growing up development. With the Rehabilitation Programme, M. changed: he became more emotional and I try to spoil him, get as close as I can to understand what he went through. He is much better now and likes the ventilation weekends the most. I am happy there is such a programme, as we cannot give him the attention he needs, especially since we are 10 family members. The hardest part for me was that my two sons happened to be in prison during the holidays of Eid. I became very overprotective in regards to my children, especially with the younger ones. I don't like them to be outside anymore, I want to know where they go, with whom they are going, when they are getting back. I call up to 5 times to check if they got to the place they planned to go to safely. There is this constant fear of one day receiving again a message that they took another child from me. But it is not only our family who has to go through this experience there are a lot of neighbours and relatives who endured the same. It would be easier to say who did not go to prison then to count those who did. It is pandemic! And in most cases they just come and get you without a reason, just to break us emotionally and mentally, to make us weak and to traumatize our children so that we would give up."

Name:	M. I.
Date of incident:	24 February 2009
Age at detention:	17 years
Period of detention:	20 months
Location:	Al-Khader, occupied Palestinian territory

Before detention:

I didn't go out much to be honest. I didn't really have a social life, I have always been a very introverted person."

Day of detention:

"It was my last year at school, the year of *Tawjeehi* national exam. I was studying and went to sleep for about an hour only. **Around 2 or 3 am, there was a lot of noise. Our relative from next door and about 20 soldiers were standing outside our door. They asked our relative to show them the way to our house and to enter before them.** The soldiers then entered the house and walked upstairs. They called everybody living in the building and checked the IDs of the male persons. I was told to get ready. I remember it was a really cold night. I was then taken to interrogation, to **Asyoun in a metal and iron vehicle that is called 'Bosta'. In winter it is awfully cold in there, in summer it is burning hot.** I was directly put into a cell until 10 am, when they brought me to Ofer prison. It turned out that a friend of mine, who was taken one day before me, was forced to give out random names of young boys from his neighbourhood, whom the IDF then blames to be involved in some sort of actions like stone throwing etc. He gave my name under pressure, so they came to take me too. During inter-



rogation, they showed me pictures of people I knew, to try to raise the pressure and break me emotionally. There was an Arab looking soldier in civil clothing cursing and insulting me in Arabic, which really surprised me. **He tried to make me confess and to be honest I was pressured and scared.** I was in interrogation from 10 am to 7 pm, 9 hours of constant and direct pressure. They would leave the room, come back shortly after just to make me nervous. I was not allowed to eat or go to the bathroom. They divided roles among them, one was the 'bad guy', one was the 'good guy', trying every technique with me. One would loosen up the handcuffs, the other would make them even tighter than before. **Every once in a while, three men would enter the room and just stare at me and talk in Hebrew about me. Two of these men would say 'Come on! Aren't you done already? Confess now!' and kick my legs. I didn't confess until they gave me a letter in Hebrew telling me that, 'This is what you**

said'. I believed them, so I signed, not knowing that I had signed a confession letter about things I hadn't even done. My lawyer was allowed to see me one week after the arrest only. I stayed in the Ofer camp with 20 other people of different ages. We learned the national anthem of Palestine together or studied Hebrew, shared books etc. Fridays we all prayed together. The showers were not enough for all the people, so it was never pleasant using them. Since the place was always overcrowded, we had to sleep on the floor too. In court, the judge told me that already two people confirmed my involvement in what they were charging me with. In Nakab, where I was transferred to after Ofer, every night at around 2 or 3 am, we had to go outside until they counted us. It didn't matter if it was hot, freezing or raining, we had to stand outside in the middle of the night. I was always sad and depressed in there. The worst was when they brought us to court; we spent up to 3 hours in the 'Bosta' until they collected all men around different prisons to bring them to court. It always was a very dreadful experience for me, in addition to the heat or cold, it was my motion sickness that made me suffer. **I vomited in the jeep every single time I had to be on it, everybody knew that, so they would sit far away from me. I was sitting there in my vomit, by myself, either sweating like a waterfall or freezing like crazy, it was so embarrassing. Every time I asked for a plastic bag before we went on to the Bosta, but they never wanted to give me one. I think the humiliation was the worst."**

After detention:

"My personality changed a lot. I was always shy before prison, but after an experience like that, there is really not much that could intimidate you after. It is tough, as both authorities, Israeli and Palestinians⁸¹, don't grant me a working permit or job with the PNA because I was detained. I went back to school and wanted to finish school but I didn't pass *Tawjeehi*. I will re-take my exams next year. I won't give up. I will keep on trying."

Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"I never opened up to people before, and certainly not after either. But slowly, I started to gain trust in people again and it might help me talk about my experience. It is my counsellor from the Rehabilitation Programme that is the only person I can talk to freely most of the time. I would go as far as to say that he changed me as a person. The Programme and my counsellor helped me build up my confidence and digest the shock of my bad grades. My counsellor also promised to help me get my driver's license, as he assessing me for vocational training as a truck driver, which gives me and my mother a lot of hope. In general, the Programme raised my expectations for the future and also taught me to stick to what I believe will be of advantage for my life."

⁸¹ Israel will not give M. a permit because he was detained, and the PNA will not give M. a job because he does not fall under the criteria of having spent more than 5 years in prison according to the Palestinian Prisoners Law

M. I.'s mother:

“After his release M. suffered a lot of problems. He was very depressed and had emotional issues. I have 6 boys and 7 girls and 3 of my boys were detained, all of them under the same pattern. This experience also changed my relationship with my other children: I am much more overprotective and there is a general sadness that lies like a cloud over our family. In the one year M. was in prison, I got sick and spent most of the time in bed. It was a very severe emotional and mental burden on all of us. From time to time, I would go in M.'s room and pick up his books. I kept looking at them and crying for hours; he was detained in his last year of *Tawjeehi*. My husband and I are very worried about the future of our children. What shall become of them? Our children and us, we are all traumatized.”



Name:	M. I.
Date of incident:	16 November 2005
Age at detention:	16 years
Period of detention:	1,5 years
Location:	Al-Khader, occupied Palestinian territory

Before detention:

Very social, that's what I was. I used to go out a lot, joke around with people. I was a very positive person."

Day of detention:

"We were around 20 boys playing football on the courtyard of the school. **It was around 4 pm when soldiers came and made us all line up. They took our IDs and made two of us step out of the line. They blindfolded and handcuffed us in the back. That's it, no explanation, nothing.** The other boy and I were taken into their jeep, where they hit us and shouted at us. I couldn't really understand the words. I was still in shock; the whole situation was so sudden. They brought us to a checkpoint, where we did nothing except wait until midnight. **That is when we were thrown on the floor and kept waiting some more there.** After that, they brought us to Asyoun for interrogation. I was taken to court after a week of interrogation. They would come to my cell every day and kept on asking me questions. 'Where are the stones? What did you do with them' etc. I was then transferred to Nablus, Huwwara, where I spent 1 month. After 10 days of excessive interrogation, hitting, beating and pressure I confessed, was transferred to HaSharon for 7 months, and then to Netanya. **I didn't see a lawyer for a long time, before court I never had the chance**



to talk to one. I have a problem with my respiratory system, which leads to major breathing problems from time to time. I got sick in prison because of this but my request to see a doctor never went through. Besides my medical problem, it was really hard in prison, because we had nothing to do. I was bored all the time, and sad. The whole situation made me sad. In the first prison, we saw the daylight only for 2 hours a day, 1 hour in the morning, 1 during the day. The second prison was even worse; it was harsher and we were barely allowed to

go outside to the courtyard. We had no education whatsoever in prison. We didn't even have books. All that we could do was sleep and eat, think, think and think some more. That's it. The worst time was when the Lebanon War started. We were not allowed to watch TV; we didn't even have electricity. **I think they didn't want us to know what was going on.** The rest of my time I spent in Damoun, on the Carmel Mountain. What I hated in all prisons was that they would wake us up in the middle of the night, 3 to 4 times a week, make us go outside to the courtyard while they were searching us and our cells. **When I got released I was brought to Jenin, from where I had to organize myself on how to get back all the way down to the south of the West Bank.** I took a taxi that brought me to my family. I will never forget how my sight got blurred when my blindfold was removed in Jenin. **My eyes weren't used to daylight anymore and they hurt until I enjoyed this pain – the pain of freedom."**

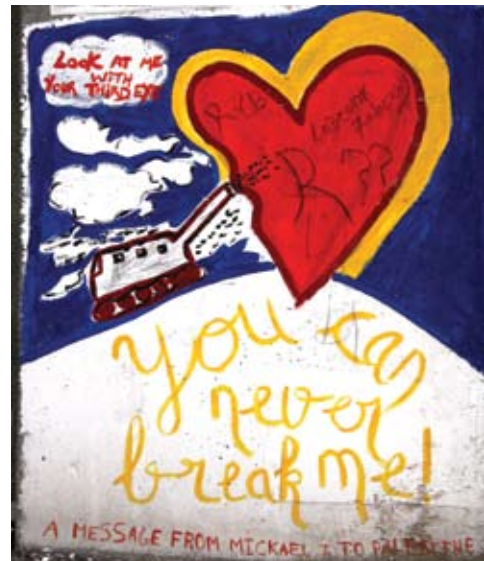
After detention:

"I isolated myself after my experience. I didn't want to have to interact socially. I barely left the house, always preferred to be alone, got angry at little things. I didn't go back to school, I worked here and there, but mainly I regret that my education got interrupted and that I wasn't able to finish my *Tawjeehi*. Now I just feel too old to go back to school, I cannot imagine myself feeling comfortable with the younger kids, who would be in the same class as me. As for the future, whatever happens happens. I don't really make plans anymore. But since the overall economic and political

situation is bad, there are no really positive perspectives. With not being able to get a working permit after detention for Israel, it is also very bad. I would like to open up a store, something that is harmonic with my medical condition, as I also have diabetes. I need an option where I can be more independent. Unfortunately, I don't get support from the PNA to be financially capable of opening a shop."

Post-trauma Rehabilitation of Palestinian Ex-Detainee Children in the West Bank Programme:

"I appreciate the fact that I can meet other young people who suffered from the same experience. I know it doesn't make things better when you know injustice has occurred in other people's life too, but you know, it gives you hope that you will survive it and grow beyond. Hence, the Programme helped me realize how strong and assertive a person can be and how much he can improve himself if he is willing to work hard on it. I am happy that I have support for this path."



A child drawing on the Separation Wall addressed to Palestine.

M. I.'s Mother:

“We saw our son 11 months after he was arrested, before that we did not get the permission to go visit him. In total we saw him only twice, the second time being 10 days before his release. We were very worried about him, also because he has this breathing issue and diabetes. As we couldn't check on him by ourselves, other parents who had children detained in the same place as M. urged us to get a request from the hospital, so he could get a permission to see a doctor, but the Israelis declined the request. Hence, he never had the chance to get himself checked by a doctor. While he was in prison, we sent him money to the prison's account so that he, at least, could get something from the prison's shop. Prison ruined my son. After his release he got depressed, gave up on dreams, does everything but nothing with happiness. He used to do a lot of sports and be very energetic, but there was a cut in his life due to prison and now he is not the same person anymore. I also tried to persuade him to go back to school again, but I wasn't successful. I am very worried about his future. As a mother, it also pains me is that he won't open up to me. He has this one friend he talks to, but he would never share something personal with me. We used to have a different relation before that.”

