

NEW ISRAELI LAW ALLOWS CHILDREN AS YOUNG AS 12 TO BE JAILED

Defense for Children International - Palestine

Ramallah, August 11, 2016 — Israel’s parliament approved a new law last week enabling Israeli authorities to imprison minors as young as 12 years old when convicted of serious violent crimes.

The new law, passed on August 2 by the Israeli Knesset, or parliament, enables Israeli authorities “to imprison a minor convicted of serious crimes such as murder, attempted murder or manslaughter even if he or she is under the age of 14,” according to a Knesset statement. The actual serving of the sentences would be deferred until the children reach the age of 14. Thirty-two members of the Knesset voted in favor, while 16 voted against, and one abstained. Under both Israeli civilian law and military law, children under the age of 12 cannot be held criminally responsible.

“International juvenile justice norms demand that detention only be used as a last resort and prioritizes rehabilitation and reintegration,” said Ayed Abu Eqtaish, Accountability Program director at DCIP. “This new law appears to prioritize the criminalization and punishment of children in complete disregard of international law.”

A [first reading of the bill](#) on November 25, 2015, resulted in a vote of 64 in favor and 22 opposed, and came shortly after Israeli prosecutors charged 13-year-old Ahmad Manasra with attempted murder for allegedly carrying out a stabbing attack in East Jerusalem on October 12. Israel’s civilian criminal justice system previously prohibited custodial sentences against children under 14 in accordance with international juvenile justice standards.

The new law impacts children living under Israeli civilian law, while for Palestinian children living in the occupied West Bank, Israeli military law already allows for any person 12 years and older to be imprisoned. Under both Israeli civilian law and Israeli military law, the minimum age of criminal responsibility is 12 years old.

The legal distinctions between East Jerusalem and the West Bank trace back to 1967, when Israel captured that part of the city and declared all of Jerusalem its “indivisible” capital. Since then, Palestinian children who happen to live in Jerusalem fall under Israeli civilian law.

Children in East Jerusalem are generally subject to the Israeli Youth Law, which theoretically applies equally to Palestinian and Israeli children. However, [documentation collected](#) by DCIP shows Israeli authorities implement the law in a discriminatory manner, denying Palestinian children in East Jerusalem of their rights from the moment of arrest to the end of legal proceedings.

Israeli lawmakers pushed forward a slew of harsh policies in 2015 that target Palestinian children.

Amendments to the Israeli penal code included [stricter penalties](#) in mandatory sentencing laws such as a 10-year sentence for throwing a stone, or other object, at traffic, without intent to cause injury, and 20 years for throwing a stone, or other object, at traffic with intent to cause injury. While the 20-year maximum sentencing existed prior to 2015, the word “stone” was added to specifically target Palestinian society.

The Knesset also instituted mandatory minimum sentences of no less than one-fifth of the potential maximum sentence, and amended the national insurance law to deprive children convicted of “nationalistic-motivated” offenses and “terrorist activities” from social benefits during their imprisonment.

This latest law and other policy changes are part of a wider crackdown by Israeli authorities to quash unrest that swept across Jerusalem and the rest of the occupied West Bank beginning in October 2015.

Israel has the dubious distinction of being the only country in the world that systematically prosecutes between 500 and 700 children arrested from the occupied West Bank in military courts each year. A recent [report](#) released by DCIP in April found three out of four Palestinian children endured some form of physical violence following arrest, and 97 percent of children had no parent present during the interrogation or access to legal counsel.