

H.R. 2590 Legislation Overview

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On April 15, 2021, Rep. Betty McCollum (D-MN) introduced H.R. 2590, the "Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act," or the Palestinian Children and Families Act.

H.R. 2590 seeks to promote justice, equality and human rights for Palestinian children and families by prohibiting Israeli authorities from using U.S. taxpayer funds to detain and torture Palestinian children, demolish and seize Palestinian homes, and further annex Palestinian land in the occupied West Bank.

What does the Palestinian Children and Families Act do?

H.R. 2590 aims to promote and protect the human rights of Palestinians living under Israeli military occupation and to ensure that United States taxpayer funds are not used by the Government of Israel to support the military detention of Palestinian children, the unlawful seizure, appropriation, and destruction of Palestinian property and forcible transfer of civilians in the occupied West Bank, or further annexation of Palestinian land in violation of international law.

What activities does the Palestinian Children and Families Act prohibit using U.S. funds?

The bill specifically notes that funds will be prohibited for the following uses:

1. Supporting the military detention, interrogation, abuse, or ill-treatment of Palestinian children in violation of international humanitarian law or to support the use against Palestinian children of any of the following practices:

- Torture or cruel, inhumane, or degrading treatment
- Physical violence, including restraint in stress positions.
- Hooding, sensory deprivation, death threats, or other forms of psychological abuse.
- Incommunicado detention or solitary confinement
- Administrative detention, or imprisonment without charge or trial
- Arbitrary detention
- Denial of access to parents or legal counsel during interrogations
- Confessions obtained by force or coercion

2. Supporting the seizure, appropriation, or destruction of Palestinian property and forcible transfer of civilians in the Israeli-controlled and occupied West Bank in violation of international humanitarian law.

3. Deploying, or supporting the deployment of, personnel, training, services, lethal materials, equipment, facilities, logistics, transportation, or any other activity to territory in the occupied West Bank to facilitate or support further unilateral annexation by Israel of such territory in violation of international humanitarian law.

How does the Palestinian Children and Families Act hold Israeli authorities accountable?

The bill requires the Secretary of State to certify annually to the Foreign Affairs Committees and Appropriations Committees in both the House of Representatives and the Senate that U.S. financial assistance to Israel was not used to support any of the prohibited activities.

Additionally, the Secretary of State will need to submit reports on a description of the nature and extent of detention, interrogation, abuse, or ill-treatment of Palestinian children by Israeli military forces or police in violation of international humanitarian law; the seizure, appropriation, or destruction of Palestinian property in the Israeli-controlled and occupied West Bank by Israeli authorities in violation of international humanitarian law; and Israeli settlement activities, including an assessment of the compliance of the Government of Israel with United Nations Security Council Resolution 2334 (2016).

Finally, the bill requires the Comptroller General to submit an annual report to Congress that identifies the specific programs and items funds for offshore procurement in Israel have been allocated to, including specific armed forces branches, units, and contractors; assesses executive branch compliance with legislative requirements governing offshore procurements in Israel; identifies, in detail, all end-use monitoring the Government of Israel is subject to with respect to United States-origin defense articles; and analyzes the effects of offshore

procurements on Israel's military budget and domestic economy since 1991, including an assessment of the manner and extent to which these funds have directly or indirectly supported illegal Israeli settlement activity in the occupied West Bank.

How is the Palestinian Children and Families Act different from H.R. 2407 in the 116th Congress?

H.R. 2590 is the fourth piece of legislation that Rep. Betty McCollum has introduced focusing on Palestinian human rights, and the third that clearly highlights Palestinian children's rights and the Israeli military detention system.

H.R. 2407 sought to amend the Leahy Law, an amendment to Section 620M of the Foreign Assistance Act of 1961, while H.R. 2590 focuses on certification and reporting in order to enhance transparency regarding financial assistance to Israel, similar to H.R. 4391 in the 115th Congress.

H.R. 2407 included an authorization to the Department of State to provide funding to nongovernmental organizations to monitor and assess incidents of Palestinian children being subjected to Israeli military detention, and provide treatment and rehabilitation for Palestinians under 21 years of age who have been subject to military detention as children. H.R. 2590 does not include a similar authorization.

Background on Palestinian children in Israeli military detention

Children under 18 years old represent around 45 percent of the 2.9 million Palestinians living in the occupied West Bank.

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

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

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

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

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

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

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

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

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

H.R. 2590

The Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act

SUMMARY

- H.R. 2590 the “[Defending the Human Rights of Palestinian Children and Families Living Under Israeli Military Occupation Act](#)” was introduced by Rep. Betty McCollum (D-MN-04) on April 15, 2021. It seeks to ensure that no U.S. taxpayer funds are used by the Israeli government for 1) the military detention of Palestinian children; 2) the demolition of Palestinian homes and property; and 3) to further annex Palestinian land in violation of international law.
- The bill states that it is the sense of Congress that these actions undermine efforts to achieve a just and lasting peace for Palestinians and Israelis; that promoting human rights, dignity, and democracy for all Palestinians and Israelis is a foreign policy priority for the U.S., and that the U.S. rejects undemocratic systems and acts of aggression in which Israeli unilaterally exercises permanent rule over Palestinians denied self-determination and human rights. (Sec. 3)
- H.R. 2590 is endorsed by [over 170 civil society organizations](#).

SEC. 5

LIMITATION ON ASSISTANCE

- The prohibition provided in H.R. 2590 does not cut or reduce the overall amount of security assistance to the Israeli government. Rather, the bill provides much needed end-use restrictions on funds to ensure U.S. security assistance is not used to violate human rights or international humanitarian law.
- **Sec. 5(a) Prohibition:** Specifically, the bill provides that none of the funds authorized to be appropriated or otherwise made available for assistance to the Israeli government may be obligated or expended to any of the following activities in violation of international law:
 - **Sec. 5(a)(1) The military detention, interrogations, abuse, or ill-treatment of Palestinian children in violation of international humanitarian law.**
 - The Israeli military detains around 500 - 700 Palestinian children every year - an estimated 13,000 since 2000. These children are prosecuted in military courts that deny fundamental due process rights and violate international standards for independence and impartiality.
 - Israeli forces arrest children from their homes in the middle of the night, at demonstrations, or near military infrastructures such as checkpoints.
 - Approximately three out of four of these children experience physical violence after arrest which typically consists of being slapped, punched or kicked.

- Children typically arrive at the interrogation bound, blindfolded, frightened, and sleep deprived. The majority of children are interrogated without the presence of a parent or guardian and without a lawyer. Ill-treatment and torture of the children during interrogation can include physical violence including restraint in stress positions; hooding and sensory deprivation; death threats and psychological abuse; solitary confinement; imprisonment without charge or trial. Children often confess after being subjected verbal abuse, threats, physical and psychological violence that in some cases amounts to torture.
- Israel operates two separate legal systems in the same territory. Military law has applied to Palestinians in the West Bank since 1967, when Israel occupied the territory. Jewish settlers, however, who reside in the West Bank in violation of international law, are subject to the Israeli civilian legal framework.
- The systemic, widespread, and institutional ill-treatment of Palestinian children in Israel's military detention system is well-documented by the U.S. State Department; Human Rights Watch; UNICEF; the Palestinian human rights organization, Defense for Children International - Palestine; and Israeli human rights organizations HaMoked: Center for the Defence of the Individual and B'Tselem.
- The ill-treatment of children in Israeli military detention has continued during the COVID-19 pandemic. One recent example includes the arrest of [Amal Nakhleh](#), a 17-year-old with a rare autoimmune disease, from his home around 3:30 a.m. on January 21, 2021. Israeli authorities have issued four administrative detention orders, detaining Amal over a year without charge. Another is Israeli forces' violent arrest of [Mohammad Muneer Mohammad Moqbel](#), 16, on November 29, 2020. Israeli soldiers broke Moqbel's jaw by striking him in the face with a rifle after he was already in Israeli custody.
- **Sec. 5(a)(2) the seizure, appropriation, or destruction of Palestinian property and forcible transfer of civilians in the occupied West Bank in violation of international humanitarian law.**
 - Israel routinely destroys Palestinian homes and structures in the West Bank and East Jerusalem, leaving thousands of Palestinians homeless. It is a violation of international humanitarian law for the occupying power to destroy property in an occupied territory, unless absolutely necessary for military operations. It is very clear that the Israeli government's demolition of Palestinian homes and structures is in order to further appropriate land and expand illegal Israeli settlements.
 - Palestinians living in East Jerusalem and Area C of the West Bank are required to obtain Israeli-issued building permits, which are very rarely granted. Palestinians are then forced to build without permits, and this lack of permits is typically cited as the reason for demolitions or confiscations.
 - Israel's demolition of Palestinian homes and eviction of Palestinian families has become even more severe and dire during the COVID-19 pandemic. During 2021 alone - as the pandemic continued to rage - Israel demolished or seized 902 Palestinian homes or property, the highest annual number recorded since 2016,

according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). These demolitions displaced over 1,200 people, including 650 children.

- Just one current example of Israeli authorities' ongoing systematic and intentional displacement of Palestinians is in the East Jerusalem neighborhood of [Sheikh Jarrah](#). Following a recent Israeli court's ruling in favor of lawsuits undertaken by settler organizations to expel Palestinians from their homes, eighty-seven Palestinian families are facing forced displacement. Their homes will be given to Jewish Israeli settlers. Children make up a large percentage of those threatened with homelessness. Before dawn on January 19, 2022, Israeli police destroyed two homes belonging to the Salahya family in Sheikh Jarrah, leaving 15 people homeless.
- **Sec. 5(a)(3) any further unilateral annexation by the Israeli government in violation of international humanitarian law**
 - Unilateral annexation of any part of the occupied West Bank by Israel is a flagrant violation of international law. Yet, every day, Israel illegally annexes more and more Palestinian land, appropriating Palestinian water and other resources. Annexation has devastating impacts on the Palestinian economy and separates Palestinians from their loved ones. The Jewish-only settlements that the Israeli government is establishing in the occupied West Bank, including East Jerusalem, are illegal and a clear violation of international law.
 - Polls show that American voters not only oppose settlements, but they also support holding Israel accountable for building them. For example, 2019 and 2020 Brookings polls showed that 66% of Democrats back sanctions or stronger measures against Israeli settlements and 81% of Democrats say it's "acceptable" or the "duty" of members of Congress to question the U.S.-Israeli relationship.
 - The Israeli government's aggressive settlement expansion and ongoing annexation of the West Bank are significant and major obstacles to just and lasting peace for Palestinians and Israelis.
- **Sec. 5(b) Certification:** H.R. 2590 establishes annual certification and reporting obligations on the Secretary of State to show that no U.S. funds have been used in the previous year by the Israeli government to support these prohibited activities and also requires oversight reporting describing the nature and extent of the Israeli government's actions on these activities.

SEC. 6

OVERSIGHT AND ADDITIONAL REPORTING

- The Foreign Assistance Act of 1961 22 U.S.C. 2151n requires the Secretary of State to submit an annual human rights report to Congress detailing the status of internationally recognized human rights in all countries that receive U.S. assistance.
- H.R. 2590 would expand the existing reporting requirement under 22 U.S.C. 2151n to include detailed information on human rights violations committed by Israeli authorities concerning the treatment of Palestinian children detained by Israeli forces; the seizure, appropriation and destruction of Palestinian property; and Israeli settlement activity.

SEC. 7

GAO REPORT ON ISRAEL'S EXPENDITURES FOR OFFSHORE PROCUREMENT

- In an effort to increase transparency, H.R. 2590 would require the General Accountability Office to submit an annual report to Congress detailing Israel's expenditures for “offshore procurement”
- The Arms Export Control Act of 1976 (22 U.S.C. 2791, et seq.) generally prohibits foreign countries from using funds made available under the Act for procurement outside the United States. However, each year since 1991, varying amounts of Foreign Military Financing (FMF) grants have been designated for offshore procurements in Israel.
- The Consolidated Appropriations Act, 2021 (Public Law 116–260), allocates \$3,300,000,000 in Foreign Military Financing (FMF) to the Government of Israel. This includes \$795,300,000 million designated specifically for procurements in Israel, commonly referred to as “offshore procurements”.
- Israel is the largest cumulative recipient of United States foreign assistance since World War II, receiving from the United States \$146,000,000,000 (current, or non inflation-adjusted, dollars) in bilateral assistance and military funding.
- In 1991, the Government Accountability Office, formerly the General Accounting Office, issued a report to the Committee on Foreign Relations of the Senate examining United States military funding to Israel, which specifically audited Israel’s expenditures for offshore procurements and assessed whether the executive branch had complied with legislative requirements.



A joint project of
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Palestinian children in the Israeli military detention system

Approximately 3 million Palestinians live in the occupied West Bank, of which around 45 percent are children under the age of 18.

Palestinian children in the West Bank, like adults, **face arrest, prosecution, and imprisonment** under an **Israeli military detention system** that denies them basic rights.

Military law has applied to Palestinians in the West Bank since 1967, when Israel occupied the territory following the Six Day War. Jewish settlers, however, who reside within the bounds of the West Bank, in violation of international law, are subject to the Israeli civilian legal framework. Accordingly, Israel **operates two separate legal systems** in the same territory. Palestinian children who live in Jerusalem generally fall under Israeli civilian law.

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

Children typically arrive at interrogation **bound, blindfolded, frightened, and sleep-deprived**.

Children often give confessions after **verbal abuse, threats, physical and psychological violence** that in some cases amounts to torture.

Israeli military law provides **no right to legal counsel during interrogation**, and Israeli military court judges seldom exclude confessions obtained by coercion or torture.

From testimonies of 681 Palestinian children detained by Israeli forces from the occupied West Bank and prosecuted in Israeli military courts between 2016 and 2021, DCIP found that:

- **75 percent** experienced **physical violence** following arrest
- **97 percent** were **hand-tied**
- **88 percent** were **blindfolded**
- **59 percent** were detained from their **homes in the middle of the night**
- **58 percent** faced **verbal abuse, humiliation, or intimidation**
- **67 percent** of children were **not properly informed of their rights**
- **97 percent** were interrogated **without the presence of a family member**
- **25 percent** were subject to **stress positions**
- **55 percent** were shown or signed **documents in Hebrew**, a language most Palestinian children don't understand

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

Learn more at: www.nowaytotreatachild.org | www.dci-palestine.org | www.afsc.org

Since 2000, an estimated 13,000 Palestinian children have been detained by Israeli forces from the occupied West Bank and held in the Israeli military detention system.

Israel ratified the United Nations Convention on the Rights of the Child in 1991. The treaty requires that children should only be deprived of their liberty as a measure of last resort, must not be unlawfully or arbitrarily detained, and must not be subjected to torture and other cruel, inhuman or degrading treatment or punishment.

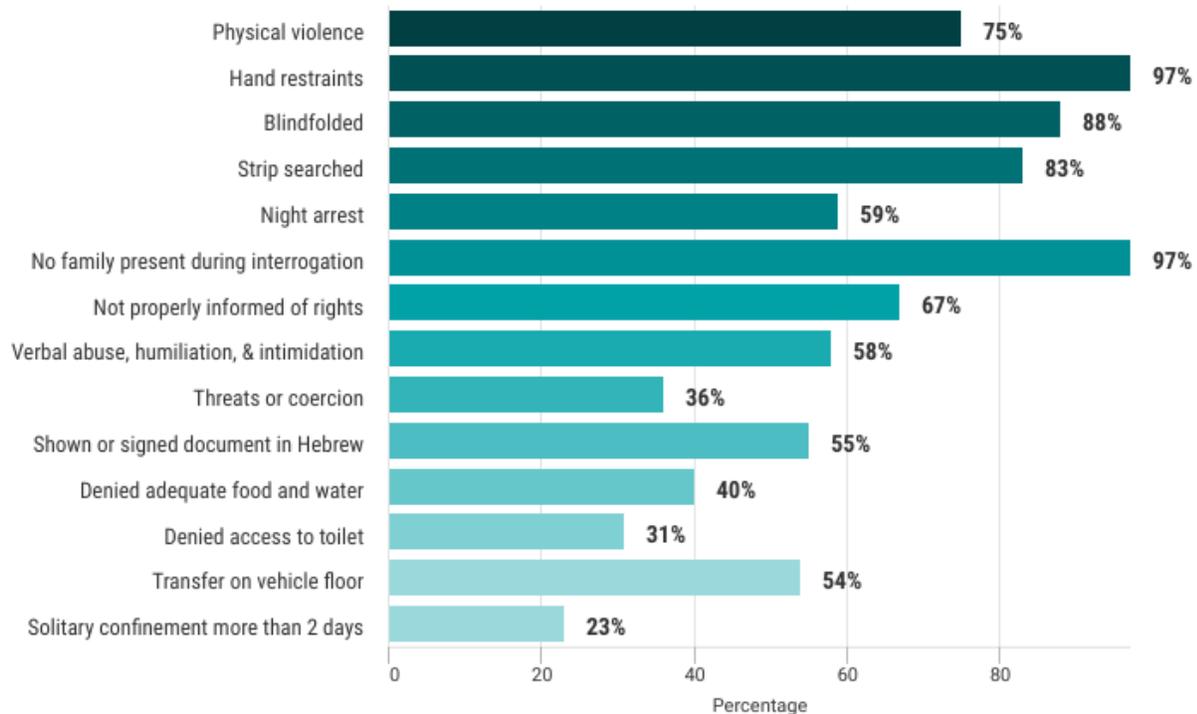
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» For more information, go to www.nowaytotreatachild.org or www.dci-palestine.org

Ill-treatment of Palestinian child detainees by Israeli forces

Israel prosecutes between 500 and 700 Palestinian children in a military court system each year that lacks basic fair trial guarantees and is notorious for widespread, systematic, and institutionalized ill-treatment of Palestinian child detainees. Defense for Children International - Palestine (DCIP) collected 681 sworn affidavits from Palestinian children detained by Israeli forces from the occupied West Bank between 2016 and 2021. The data below shows the types of ill-treatment reported by these children.



Source: Defense for Children International - Palestine (DCIP)