**Memorial 2018-1: A Memorial Regarding the Protection of the Human Rights of Palestinian Children Living Under Israeli Military Occupation**

**No Way to Treat a Child**

WHEREAS, the ELCA, in its Social Message on “Human Rights” adopted unanimously by the Church Council of the Evangelical Lutheran Church in America on November 12, 2017, affirms this church teaches that “human dignity is God’s gift to every person and that the commitment to universal rights protects that dignity.” Further the Council “gives renewed attention to addressing human rights as a church. It also believes the time is right for more Christians to enter public conversation and take action to safeguard the dignity due to all children of God;” and

WHEREAS, the ELCA, in its Social Message on “Human Rights” also affirms that “the ELCA social teaching is clear: “The God who justifies expects all people to do justice;” and

WHEREAS, the ELCA, in its Social Message on “Human Rights” further states that “the ELCA affirms the Universal Declaration of Human Rights as “a common universal standard of justice for living with our differences, and they give moral and legal standing to the individual in the international community;” and

WHEREAS, the ELCA, in its Social Message on “Human Rights” further states that “Christians cannot be satisfied simply with responding to injustice that has already occurred. We also are called to take actions that prevent rights abuses from happening in the first place, whether by personal intervention in injustice or publicly addressing rights abuses. Support for legal protections and means of enforcement is also our responsibility; and

Whereas, the ELCA, in 2005, established an initiative, “Peace Not Walls: Stand for Justice in the Holy Land,” with three components—Awareness Building, Accompaniment and Advocacy— which seeks “peace with justice for both Palestinians and Israelis and the continuation of the Christian witness in the Holy Land;” and

 Whereas, the ELCA, in its Social Statement “For Peace in God’s World” has committed to promote respect for human rights, especially for “groups most susceptible to violations, especially all minorities, women, and children;” and

Whereas, the ELCA is in relationship with the six Lutheran congregations of the Evangelical Lutheran Church in Jordan and the Holy Land; and

Whereas, Israel operates two separate and unequal legal systems in the same territory — applying military law to Palestinians in the West Bank, east Jerusalem, and the Gaza Strip, while settlers, however, who reside within the bounds of the occupied West Bank in violation of international law, are subject to the Israeli civilian legal framework;[[1]](#footnote-2) and

Whereas, Israel is the only country in the world that automatically and systematically prosecutes children in military courts that lack fundamental fair trial rights and protections; detaining and prosecuting an estimated 500 to 700 Palestinian children in military courts each year;[[2]](#footnote-3) and

WHEREAS, Palestinian children detained in the Israeli military detention system commonly

report being arrested in the middle of the night and typically arrive to interrogation bound, blindfolded, frightened, and sleep deprived, and often give confessions after verbal abuse, threats, physical and psychological violence that in some cases amounts to torture,[[3]](#footnote-4) while Israeli military law provides no right to legal counsel during interrogation, with 95 percent of children in East Jerusalem having no parents present during interrogation;[[4]](#footnote-5) and

Whereas, Israel has ratified the Convention on the Rights of the Child on October 3, 1991, which states—in article 37(a), that “no child shall be subject to torture or other cruel, inhumane or degrading treatment or punishment;”

THEREFORE BE IT RESOLVED, that the Delaware Maryland Synod Assembly memorialize

the 2019 ELCA Churchwide Assembly, requesting that, in the spirit of justice, the Assembly call on the State of Israel to guarantee basic due process rights in the Israeli military court system; respect and ensure the absolute prohibition against torture and ill-treatment in accordance with international law, specifically the UN Convention on the Rights of the Child; *and* call on the government of the United States to fully implement and enforce its own established law, including the U.S. Foreign Assistance Act[[5]](#footnote-6); and be it further

RESOLVED, that the Delaware Maryland Synod Assembly memorialize the 2019 ELCA Churchwide Assembly, requesting the ELCA presiding bishop and the bishops and staff of every ELCA synod to advocate with elected officials, encouraging them to ensure that United States taxpayer funds, including the over $3 billion annual foreign aid to Israel, do not support military detention, interrogation, abuse, or ill-treatment of Palestinian children; and be it further

RESOLVED, that the Delaware Maryland Synod Assembly memorialize the 2019 ELCA Churchwide Assembly, to request that the Peace Not Walls Strategy consider creating a resource enabling congregations to learn more about the lives of Palestinian children—especially those living in occupied territories; and be it further

RESOLVED, that the Delaware Maryland Synod Assembly memorialize the 2019 ELCA Churchwide Assembly, requesting the Assembly to encourage ELCA members to contact their members of Congress in support of legislation that prohibits U.S. foreign aid to be used in ways that violate human rights for Palestinian children.

Submitted by:

 W. Brad Schlegel St. Mark’s, Baltimore

 The Rev. Jason Chesnut ANKOSfilms, Baltimore

 The Rev. Sara Yotter Joy Reigns, Edgewater

Recommendation of Reference & Counsel: Positive.

1. Human Rights Watch, “Separate and Unequal: Israel’s Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories,” <https://www.hrw.org/sites/default/files/reports/iopt1210webwcover_0.pdf>, 2010 (7). [↑](#footnote-ref-2)
2. UNICEF, “Children In Israeli Military Detention: Observations and Recommendations,” <https://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf>, February 2013 (6-9). [↑](#footnote-ref-3)
3. Addameer Prisoner Support and Human Rights Association, “Arrests of Children in Jerusalem: Detention, Education, Financial Strains and Social Burdens,” <http://www.addameer.org/sites/default/files/publications/house_arrest_factsheet_01_june_2017.pdf>, June 2017 (1). [↑](#footnote-ref-4)
4. HaMoked and B’Tselem, “Unprotected: Detention of Palestinian Teenagers in East Jerusalem,” <https://www.btselem.org/publications/summaries/201710_unprotected>, October 2017. [↑](#footnote-ref-5)
5. USAID, “United States Foreign Assistance Act, as Amended.” Accessed May 23, 2018. https://www.usaid.gov/ads/policy/faa [↑](#footnote-ref-6)