

ISRAEL

CRC CRC/C/121 (2002)

551. The Committee considered the initial report of Israel (CRC/C/8/Add.44) which was received on 20 February 2001, at its 829th and 830th meetings (see CRC/C/SR.829 and 830) held on 2 October 2002, and adopted at its 833rd meeting (CRC/C/SR.833) held on 4 October 2002, the following concluding observations.

A. Introduction

552. The Committee notes that the initial report (submitted over seven years after it was due) follows the guidelines for reporting, is very elaborate, analytical and, in some parts, self-critical. Given the responsibility of the State party for the implementation of the Convention in the occupied Palestinian territories, the Committee deeply regrets the lack of any information about the situation of children in the occupied Palestinian territories. The Committee appreciates the additional material that was provided prior to and during the discussion and the informative written replies which were submitted. The Committee also appreciates the presence of a well-qualified and cross-sectoral delegation, which contributed to a better understanding of the process of implementation of the Convention in the State party.

B. Positive aspects

553. The Committee welcomes:

- (a) The establishment and work of the Rotlevy Committee on Children and the Law and the various parliamentary committees dedicated to advancing the rights of children, including the Committee on Legislation for Children and the Committee for the Advancement of the Status of the Child, as well as the establishment of local status of children committees at the municipal level;
- (b) The enactment of progressive legislation, including the 2002 law on information regarding the influence of legislation on children's rights, and laws on minor victims' rights and legal assistance for children;
- (c) The prohibition of corporal punishment in homes, schools and other institutions;
- (d) The active involvement of civil society in the promotion and protection of human rights in the State party, including through public-interest litigation, and the many court rulings based upon the articles of the Convention;
- (e) Affirmative-action programmes for education of Israeli Arabs;
- (f) The various measures taken to support families in need (e.g. single-parent families).

C. Factors and difficulties impeding the implementation of the Convention

554. In the present context of violence, the Committee recognizes the difficulties of the State party in fully implementing the Convention. Amidst continuing acts of terror on both sides, especially the deliberate and indiscriminate targeting and killing of Israeli civilians, including children, by Palestinian suicide bombers, the Committee recognizes the climate of fear which persists and the State party's right to live in peace and security. At the same time, the Committee recognizes that the illegal occupation of Palestinian territory, the bombing of civilian areas, extrajudicial killings, the disproportionate use of force by the Israeli Defence Forces, the demolition of homes, the destruction of infrastructure, mobility restrictions and the daily humiliation of Palestinians continue to contribute to the cycle of violence.

D. Principal subjects of concern and recommendations

1. General measures of implementation

555. The Committee emphasizes that a peaceful and stable future for children in the region can only be achieved on the basis of international human rights and humanitarian law, compliance with which is essential to guarantee respect for the equal dignity of all people in Israel and the occupied Palestinian territory.

Legislation

556. The Committee notes the enactment of new legislation in the area of children's rights. However, it is concerned that the implementation of these measures has been impeded by factors, including insufficient budgetary allocations.

557. The Committee recommends that the State party take all necessary measures, including the allocation of the required resources (human and financial), to ensure and strengthen the effective implementation of existing legislation.

558. The Committee welcomes the commitment of the various parliamentary committees campaigning to promote children's rights through, among other things, proposals for new legislation (i.e. on implementation of the Convention and on the right to quality education on an equal basis) in the area of children's rights.

559. The Committee encourages the State party:

- (a) To ensure the speedy promulgation of legislation relating to child rights and its effective implementation;
- (b) To consider the adoption of a comprehensive children's code, which would incorporate the principles and provisions of the Convention;
- (c) To continue to support the work of these committees through the allocation of adequate

resources.

560. The Committee is concerned that religious laws, particularly in the area of personal status, may not be in compliance with the principles and provisions of the Convention.

561. The Committee encourages the State party to take all possible measures to reconcile the interpretation of religious laws with fundamental human rights.

Coordination

562. The Committee is concerned that the absence of a central mechanism to coordinate the implementation of the Convention makes it difficult to achieve a comprehensive and coherent child rights policy.

563. The Committee recommends that the State party:

(a) Establish a central mechanism for intersectoral coordination and cooperation at and between the national and local levels of government;

(b) Ensure the preparation and implementation of a national plan of action for children, including the implementation of the Convention, that is comprehensive, human rights based and undertaken through an open, consultative and participatory process.

Data

564. The Committee welcomes the comprehensive statistical volume provided by the State party, but is concerned that the data are not sufficiently analysed so as to be able to assess progress in the implementation of the Convention, and regrets that no data were provided with respect to children living in the occupied Palestinian territories.

565. The Committee encourages the State party:

(a) To collect data on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. children living in remote areas) and in the occupied Palestinian territories;

(b) Use these data to assess progress and design policies to implement the Convention.

Monitoring structures

566. While noting the different channels open to children for making complaints (i.e. the Open Line, the Ombudsman of the Ministry of Health, etc.), the Committee is concerned that the responses of these mechanisms are not sufficiently coordinated to ensure the effective implementation of the Convention. Moreover, the Committee is concerned at the absence of an independent mechanism with the mandate to regularly monitor and evaluate progress in the

implementation of the Convention.

567. The Committee recommends that the State party:

- (a) Improve coordination between the various existing complaints mechanisms to ensure that they effectively contribute to the implementation of the Convention;
- (b) Consider the establishment of an independent national human rights institution, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (The Paris Principles) (General Assembly resolution 48/134, annex) and the Committee's General Comment No. 2, to monitor and evaluate progress in the implementation of the Convention at the national and local levels. This institution should be adequately resourced, accessible to children and empowered to receive and investigate complaints of violations of child rights in a child-sensitive manner and to address them effectively.

Resource allocation

568. Against the backdrop of a declining economy, the Committee is concerned that the proposed budget cuts in social spending will negatively affect the economic, social and cultural rights of children belonging to the most vulnerable groups.

569. The Committee recommends that the State party:

- (a) Ensure the economic, social and cultural rights of all children, to the maximum extent of available resources;
- (b) Continue to prioritize and target budgetary allocation for children belonging to the most vulnerable groups (e.g. Israeli Arab children, Bedouins, children of foreign workers);
- (c) Systematically assess the impact of budgetary allocations on the implementation of child rights.

Cooperation with civil society

570. Recognizing under the prevailing conditions the important role of civil society, as well as international humanitarian organizations, in the implementation of the provisions of the Convention, particularly in the occupied Palestinian territories, the Committee is concerned at the inadequate efforts by the State party to fully cooperate with and facilitate their efforts.

571. The Committee recommends that the State party strengthen its cooperation with non-governmental and international organizations, including United Nations agencies, and guarantee the safety of their personnel in the course of their work on behalf of children and their access to the children concerned.

Training/dissemination of the Convention

572. The Committee welcomes the efforts by the State party to disseminate the Convention and notes the delegation's acknowledgement of the need to disseminate the Convention more widely throughout the State party.

573. The Committee encourages the State party:

(a) To strengthen, expand and make ongoing its programme for the dissemination of information on the Convention and its implementation in all official languages among children and parents, civil society and all sectors and levels of government, including initiatives to reach those vulnerable groups who are illiterate or without formal education;

(b) To develop systematic and ongoing training programmes on human rights, including children's rights, for all professional groups working for and with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers and health personnel).

2. Definition of the child

574. The Committee is concerned that Israeli legislation discriminates in the definition of the child between Israeli children (e.g. persons under 18 in the 1962 Guardianship and Legal Capacity Law, and the Youth (Trial, Punishment and Modes of Treatment) Law) and Palestinian children in the occupied Palestinian territories (i.e. persons under 16 in Military Order No. 132).

575. The Committee recommends that the State party rescind the provision of Military Order No. 132 concerning the definition of the child and ensure that its legislation conforms to articles 1 and 2 of the Convention in this regard.

3. General principles

Non-discrimination

576. The Committee is concerned that discrimination, contrary to article 2 of the Convention, persists in the State party, and that non-discrimination is not expressly guaranteed under the Constitution. In particular, the Committee is concerned about discrimination against girls and women, especially in the context of religious laws, discrimination on religious grounds, inequalities in the enjoyment of the economic, social and cultural rights (i.e. access to education, health care and social services) of Israeli Arabs, Bedouins, Ethiopians and other minorities, children with disabilities and children of foreign workers, and of the rights and freedoms of Palestinian children in the occupied territories.

577. The Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in

accordance with article 2;

(b) Strengthen its efforts with respect to affirmative-action initiatives;

(c) Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard;

(d) Mobilize religious leaders to support such efforts;

(e) Consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly resolution 45/158, annex).

578. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

Best interests of the child

579. The Committee is concerned that the general principle of the best interests of the child contained in article 3 of the Convention is not incorporated in all legislation concerning children and is not always considered in practice, for example by rabbinical courts.

580. The Committee recommends that the State party continue its efforts to fully incorporate in legislation and in practice article 3 of the Convention.

Right to life

581. The Committee deeply regrets the killing and injuring of all children in the State party committed by all actors prior to and during the present armed conflict. It is extremely concerned about the consequences of the climate of terror which seriously harms the development of children.

582. The Committee strongly urges the State party and all relevant non-State actors:

(a) To take immediate and all necessary measures to end the violence;

(b) To take immediate and all necessary measures to ensure that children are not recruited and do not participate in the conflict;

(c) To investigate immediately and effectively all killings of children and bring the perpetrators to justice;

(d) To take all necessary measures to provide child victims of these human rights violations with possibilities for adequate compensation, recovery and social reintegration.

583. Finally, the Committee recommends that the State party include in its second periodic report information about the implementation of the above recommendations.

Respect for the views of the child

584. The Committee welcomes the efforts by the State party to promote respect for the views of the child, including in Knesset debates, schools and communities, and before the courts (i.e. the Youth (Care and Supervision) Law, and the Youth (Trial, Punishment and Modes of Treatment) Law).

585. The Committee recommends that the State party:

(a) Continue to promote and facilitate, within the family, the school, institutions, the courts, including rabbinical courts, and administrative bodies (i.e. decision and placement committees), respect for the views of children and their participation in all matters affecting them, in accordance with article 12 of the Convention;

(b) Develop skills-training programmes in community settings for parents, teachers, social workers and local officials to help children to express their informed views and opinions and to have them taken into consideration.

4. Civil rights and freedoms

Protection from torture and inhuman or degrading treatment or punishment

586. The Committee is seriously concerned at allegations and complaints of inhuman or degrading practices and of torture and ill-treatment of Palestinian children by police officers during arrest and interrogation and in places of detention (i.e. Ma'ale Adummim, Adorayim, Beit El, Huwarra, Kedumin, Salem and Gush Etzion police station and prisons such as Terza, Ramleh, Megiddo and Telmond).

587. The Committee strongly recommends that the State party:

(a) Establish and strictly enforce instructions for full compliance with the principles and provisions of the Convention by all persons involved in the arrest, interrogation and detention of Palestinian and other children in the State party;

(b) Investigate effectively all cases of torture and inhuman or degrading treatment or punishment by police officers or other government officials and bring the perpetrators to justice;

(c) Pay full attention to the victims of these violations and provide them with opportunities for adequate compensation, recovery and social reintegration;

(d) Include in its next report information concerning the above recommendations.

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

588. The Committee welcomes the many efforts of the State party to prevent and combat all forms of violence and abuse within the family, in schools and in other institutions which care for children, but is concerned at the apparently limited impact of these efforts owing to, among other things, the lack of a comprehensive strategy and adequate resources.

589. The Committee recommends that the State party:

- (a) Establish a national and comprehensive strategy to prevent and combat violence and abuse within the family, in schools and in other institutions caring for children, which should include, among other things, a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address these practices;
- (b) Carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;
- (c) Strengthen procedures and mechanisms to receive, monitor and investigate complaints, including intervening where necessary;
- (d) Allocate sufficient resources for the provision of care, recovery and reintegration for victims;
- (e) Train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment.

590. The Committee notes the efforts (e.g. training and support programmes) of the State party to improve the care provided by foster families, but remains concerned that a relatively high number of children continue to live in residential care.

591. The Committee recommends the State party further strengthen the foster care system by, among other things, conducting public programmes to increase the number of foster families and providing sufficient financial and other resources.

6. Basic health and welfare

Children with disabilities

592. The Committee notes the various efforts of the State party to address the rights and special needs of children with disabilities. However, it remains concerned at the large gap between the needs and services provided, and the gap between services provided to Jewish and Israeli Arab children.

593. The Committee recommends that the State party continue and strengthen its efforts to prioritize and target resources (human and financial) to ensure that the needs of children with disabilities are met and the necessary services provided. Furthermore, it recommends that the State party ensure that Israeli Arab children receive the same level and quality of services as Jewish children.

Health

594. The Committee is deeply concerned about the serious deterioration of health and health services of children in the occupied Palestinian territories, especially as a result of the measures imposed by the Israeli Defence Forces, including road closures, curfews and mobility restrictions, and the destruction of Palestinian economic and health infrastructure. In particular, the Committee is concerned about the consequent delays of and interference with medical personnel, the shortages of basic medical supplies and malnutrition in children owing to the disruption of markets and the prohibitively high prices of basic foodstuffs.

595. The Committee recommends that the State party guarantee safe and unconditional access by all Palestinian children to basic needs and health services, including medical supplies and personnel.

596. The Committee welcomes the information that the National Health Insurance Law covers all citizens of Israel, but remains concerned at the persistent and significant gap in health indicators between Israeli Jews and Arabs.

597. The Committee recommends that the State party strengthen and increase the allocation of resources to ensure that all citizens benefit equally from available health services.

Adequate standard of living

598. The Committee notes the State party's activities to improve support for vulnerable families (e.g. single-parent families), but is concerned at the recent cuts in the budget for social welfare and at the very high percentage of children living in poverty, particularly those living in large families, single-parent families and Arab families.

599. The Committee recommends that the State party develop and implement a comprehensive strategy for the eradication of poverty, and provide it with adequate financial and human resources.

600. The Committee is deeply concerned at the large-scale demolition of houses and infrastructure in the occupied Palestinian territories, which constitutes a serious violation of the right to an adequate standard of living for children in those territories.

601. The Committee recommends, with reference to international humanitarian law, notably the Geneva Convention relative to the Protection of Civilian Persons in Time of War, that the State party fully comply with the rules of distinction (between civilians and combatants) and proportionality (of attacks that cause excessive harm to civilians) and thus refrain from the

demolition of civilian infrastructure, including homes, water supplies and other utilities. It further recommends that the State party provide the victims of such demolitions with support for the rebuilding of their houses and with adequate compensation.

7. Education

Education

602. The Committee is concerned about the serious deterioration of access to education of children in the occupied Palestinian territories as a result of the measures imposed by the Israeli Defence Forces, including road closures, curfews and mobility restrictions, and the destruction of school infrastructure.

603. The Committee recommends that the State party guarantee that every Palestinian child has access to education, in accordance with the Convention. As a first step, the State party should ensure that restrictions on mobility are lifted throughout the occupied Palestinian territories during school hours.

604. The Committee welcomes the information that the budget for education has been protected from recent cuts in spending, but is concerned that investment in and the quality of education in the Israeli Arab sector is significantly lower than in the Jewish sector.

605. The Committee recommends that the State party continue and strengthen its affirmative-action programmes and further increase the budget allocated for education in the Arab sector.

606. The Committee is concerned that the aims of education outlined in article 29 of the Convention, including the development of respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities, are not explicitly part of the curricula throughout the State party.

607. The Committee recommends that the State party and all relevant non-State actors, including the Palestinian Authority, taking into account the Committee's General Comment No. 1 on the aims of education, include human rights education, including children's rights, in the curricula of all primary and secondary schools, particularly with regard to the development of respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities. Religious leaders must be mobilized in this effort.

8. Special measures of protection

Armed conflict

608. The Committee is seriously concerned about the impact of terrorism on the rights of children in the State party, as well as the impact of military action on the rights of children in the occupied Palestinian territories. Moreover, the Committee is concerned about the insufficient cooperation

of the State party in relation to demining efforts in southern Lebanon and the lack of redress available to the child victims of Israeli Defence Forces operations there.

609. The Committee recommends that the State party and other non-State actors:

(a) Establish and strictly enforce rules of engagement for military and other personnel which fully respect the rights of children as contained in the Convention and protected under international humanitarian law;

(b) Refrain from using and/or targeting children in the armed conflict and comply fully with article 38 of the Convention, and as much as possible with the Optional Protocol on the involvement of children in armed conflict;

(c) Provide full support and cooperation for demining efforts in southern Lebanon, and possibilities for adequate compensation, recovery and rehabilitation to the child victims of Israeli Defence Forces actions in southern Lebanon;

(d) Ratify and fully implement the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, of 1997.

Sexual exploitation

610. The Committee notes the establishment of an inter-ministerial and inter-organizational committee to combat the commercial sexual exploitation of minors, its activities, and the involvement of non-governmental organizations in this area. However, the Committee is concerned that these and other efforts have so far had a limited impact.

611. The Committee recommends that the State party take all necessary measures to increase the effectiveness of these efforts to address the commercial sexual exploitation of minors by, among other things, providing the necessary financial and other resources.

Administration of juvenile justice

612. The Committee is concerned about:

(a) The differential application of law concerning children, such as with respect to the definition of a child in Israel and in the occupied Palestinian territories;

(b) The practice relating to the arrest and interrogation of children in the occupied Palestinian territories;

(c) Military Orders Nos. 378 and 1500, as well as all other military orders which may allow prolonged incommunicado detention of children, and which do not provide due process guarantees, access to legal assistance and family visits.

613. The Committee recommends that the State party:

- (a) Ensure that the provisions of the Convention, in particular articles 37, 39 and 40, are fully integrated into the legislation and practice of the system of juvenile justice, along with other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Guidelines for Action on Children in the Criminal Justice System;
- (b) Ensure that deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorized by the court, and that persons under 18 are not detained with adults;
- (c) Ensure that children have access to legal aid and independent and effective complaint mechanisms;
- (d) Train professionals in the area of rehabilitation and social recovery of children;
- (e) Rescind all provisions in the military orders which violate international standards on the administration of juvenile justice.

9. Optional Protocols

614. The Committee encourages the State party to ratify the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

10. Dissemination of the report

615. In light of article 44, paragraph 6, of the Convention, the Committee recommends that the report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations.

616. In light of the recommendation on reporting periodicity adopted by the Committee and described in the report on its twenty-ninth session (CRC/C/114), the Committee, aware of the considerable delay in the State party's reporting, underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States parties' responsibilities to children under the Convention is to ensure that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the

State party to submit its second, third and fourth reports in one consolidated report by 1 November 2008. The Committee expects the State party to report thereafter every five years, as foreseen by the Convention.