



STATE OF ISRAEL

IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN ISRAEL

Response of the State of Israel to the document titled
“List of items to be taken up in connection with the
consideration of the initial report of Israel (CRC/C/8/Add.44)”

August 2002

INTRODUCTION

Israel's Initial Report to the Committee on the Rights of the Child was submitted in 2001, and includes information on developments in that area in Israel until the year 2000. Since the submission of that Report, many additional developments in the field of children's rights in Israel have occurred, a summary of which is described below in response to the Committee's questions.

Importantly, all executive branches in charge of promoting and implementing children's rights in Israel have continued to strive to enhance, promote and improve upon children's rights. New legislation has been adopted in this area, and new programs have been developed to address different needs. In addition, several landmark Supreme Court cases have further enhanced and strengthened Israel's commitment to children's rights.

With respect to legislative reforms, the Parliamentary Committee for the Advancement of the Status of the Child has been particularly active, initiating many bills addressing children's rights, some of which have already been enacted into law. One particularly important new law is the Law for the Mentioning of Information regarding the Influence of Legislation on Children's Rights, 2002. This law requires that when proposing any new bill, the parliament and Government will analyze the impact of the bill on children's rights, particularly in light of the requirements of the Convention on the Rights of the Child. Under this new bill the effects of each bill on children should be included in the explanatory remarks that accompany any new legislation.

Other laws of particular interest that have passed are The Toddlers in Danger (Right to Day-care Center) Law, 2002, The Free Education for Sick Children Law, 2001, The Borrowing of Text-books Law, 2000 and more.

The Committee on Children and Law has also been particularly forceful in this area, and has drafted a special bill on the implementation of the Convention on the Rights of the Child.

Not only have there been significant legislative reforms since the last Report, but new programs to address children's needs have also been developed (such as the program for Protection Centers for Children and the Open-Line for students, and more).

As to methods for enforcement - new and revised guidelines, specifically sensitive to children's needs and geared to deal with offences involving children and minors were published by the State Attorney. These include guidelines with respect to assaulting a minor or helpless person; handling cases of sexual exploitation of children or other forms of abuse within the family; sentencing policy in cases of sexual exploitation and abuse within the family; prosecution policy in cases of child neglect; and plea bargains in cases of sexual abuse and child abuse within the family.

Implementation of programs for enhancement of children's rights has also been continuing, and is on the rise. For example, serious steps have been taken by the Ministry of Education to implement the recommendations of the Vilnai Committee regarding ways to address violence in schools. Additional studies of the phenomenon have been commissioned and conducted, to monitor the effectiveness of previous measures taken to address the plight. The Director-General of the Ministry of Education has appointed a special coordinator to supervise the implementation of the different programs intended for that purpose. A new Director-General's Directive on violence in schools has been drafted and will be issued in September. Other programs were similarly implemented.

Of particular significance is the fact that despite the difficult economic situation faced by Israel, funds allocated for children's issues have generally increased over the years. Indeed, an analysis of governmental budgets allocated to children in the past three years shows a consistent growth.

The progress achieved in Israel in the last two years, just a glimpse of which is provided here, was achieved in the midst of an unprecedented and harsh security situation and a wave of terror and violence imposed on Israel and its children since September 2000.

The last two years have been anything but normal for Israeli children. They have been living under the constant shadow of terror, which is affecting them almost on a daily basis. 90 Israeli children have been killed in terrorist attacks (some specifically targeted at children) and over 833 children have been physically injured, many losing their limbs

and crippled for life. Families have been shattered, 30 children becoming orphans from both their parents due to terror attacks, and many other children losing one parent, a grandparent, aunt, uncle or cousin. Many of those children witnessed the deaths of their parents or friends in these attacks. Hundreds of other children were emotionally and mentally injured by the attacks, suffered post-traumatic effects and require extensive care. It goes without saying that the state of terror has a strong impact on each and every Israeli child. Children are afraid to take buses to school, afraid to go to shopping malls, afraid to enter movie theaters, and afraid to play in public playgrounds and parks. Children are constantly aware of the proximity of death, daily witnessing the empty school seats of their slain or injured friends, and daily hearing news of new imminent terrorist threats. This harsh and frightening reality has posed a special burden on the Government of Israel to protect and secure its children from these vicious, constant and inhumane terrorist attacks. This harsh reality also required governmental authorities to develop new tools to deal with children's deaths, sorrows and fear, and, of course, allocate the necessary budgets to be able to deal with these issues.

PART I

A. Data and Statistics

1. *The State of the Child in Israel*

a) A copy of *The State of the Child in Israel*, a statistical abstract for the year 2001, published by the National Council for the Child, is attached.

b) With regard to the same statistics contained in the above abstract for the under-18 population in Gaza and the West Bank, please see the reply to question B.1

2. i. *Child related expenses in Israel*

1. In the year 2000, the expenditure of the Government on children was 22,209 million NIS. This figure is 4.8% of the GDP and 10.1% of the total Government budget. In the total economy, 37,088 million NIS were spent on children, which are 8% of the GDP and 16.8% of the total Government budget.

a) Education

2. In the year 2000, 19,821 million NIS were spent on education by the Government, and a total of 28,776 million NIS including the local authorities.

3. In 2002, the budget of the Ministry of Education was **21,853,965,000 NIS**.

The components of the budget are:

Teachers' salaries- primary education	8,885,347,000 NIS.
Local Authorities	8,451,584,000 NIS.
Purchases	2,054,930,000 NIS.
Support for Educational Institutions	707,455,000 NIS.
Seminars	596,335,000 NIS.
Administrative employees' salaries	322,686,000 NIS.
Development	554,178,000 NIS.
Development reserve	22,097,000 NIS.
Finance reserves	850,967,000 NIS.
Ministerial reserves	329,093,000 NIS.

b) Health

4. In the year 2000, 977 million NIS were spent on children's health directly through Governmental hospitals and 5,990 million NIS were spent on children's health through all government branches and local authorities.
5. The Ministry of Health's budget for children-related expenses for the year 2002 is 411,843,000 NIS. The components of the budget are:

Regulation No.	Subject	Budget
24010237	Children's aid	1,576,000 NIS
24010626	Studies – violence towards children	22,000 NIS
24070217	Prevention treatment for premature infants	5,000,000 NIS
240715	Child development	12,432,000
241317	Community service treatment for children and youth- Haifa	1,654,000 NIS
241372	Children youth center- Jerusalem	2,579,000 NIS
24160109/110	National program – prevention of birth defects	22,158,000 NIS
24160131	Health services for students	81,687,000 NIS
24160138	Intervention project concerning infantile mortality	843,000 NIS
24160221	Infant welfare centers in the Bedouin towns	1,445,000 NIS
24160269	Paramedical treatments for the special education	11,532,000 NIS
241642	Child development center- Haifa	1,677,000 NIS
24160140	Preventive medicine	32,307,000 NIS
24160182	Local municipalities- infant welfare centers	22,000,000 NIS
24160146	Health education	2,000,000 NIS
	Infant welfare centers	20,000,000 NIS
24160170	Transitional station to the green line	3,931,000 NIS
	Salaries for the infant welfare centers	189,000,000

c) Day-care facilities

6. In the year 2000, 334 million NIS were spent on day care facilities by the Government and 761 million NIS were spent on day care facilities including the local authorities. In 2001, 410 million NIS were spent on day care facilities by the Government, and in **2002, 440 million** NIS were spent on day care facilities by the Government (Ministry of Labor and Welfare).

Day Care Facilities in the Arab Sector

7. The Ministry of Labor and Welfare has been encouraging a wider use of day care facilities in the Arab sector, establishing approximately 850 day-care facilities across the country. These facilities will allow more women to join the work-market, among them women who operate these day-care facilities. Recently 22 new day-care facilities were opened and 20 more are in the process of being established. 128 family care centers in the Bedouin sector currently treat 940 children.

d) Child Protection

8. In the year 2001, 670 million NIS were spent by the Government on children in risk and adoption. Elements of the budget for **2002** that include child protection are provided below (under 'other Social Services' - Ministry of Labor and Welfare).

e) Juvenile crime prevention and rehabilitation

9. In the year 2000, 179 million NIS were spent on Juvenile crime prevention and rehabilitation by the central Government and 197 million NIS were spent on Juvenile crime prevention and rehabilitation in the economy. In 2001, 120 million NIS were spent on Juvenile crime prevention and rehabilitation by the Government (Ministry of Finance). Elements of the budget for **2002** that include Juvenile crime prevention and rehabilitation are provided below (under 'other Social Services'- Ministry of Labor and Welfare).

f) Children with Disabilities

10. In the year 2000, 546 million NIS were spent on children with disabilities by the Government and 826 million NIS were spent on children with disabilities including the local authorities. In 2001, 750 million NIS were spent on disability pensions for children (the Institute for Social Security). Elements of the budget for 2002 that include children with disabilities are provided below (under 'other Social Services'- Ministry of Labor and Welfare).

g) Other social Services

11. Most of the social services provided by the Government in Israel, are provided by the Ministry of Labor and Welfare and are included in its budget. The following are elements of the Ministry's budget for 2002 that are relevant to sections c) - f) above.

1. Social and personal services (day care facilities and child protection)

There are 1,798,300 children in Israel under the age of 14. The local welfare services provide care for approximately 70,000 children under the age of 18.

Distribution by children's homes and foster care:

- i. Children's homes: 8,532 children.
- ii. Foster care: 1,600 children.
- iii. Day care facilities: 1,400 children.
- iv. Emergency centers: 135 children.

The budget for social and personal services in 2002 is **547,732,000 NIS**. The elements of the budget are:

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| i. | Children's homes: | 302,757,000 NIS. |
| ii. | Foster care: | 6,058,000 NIS. |
| iii. | Half-day care facility | 7,607,000 NIS. |
| iv. | Day care centers: | 109,445,000 NIS. |
| v. | Community services: | 65,408,000 NIS. |
| vi. | Social workers (the Youth Law): | 369,000 NIS. |
| vii. | Adoption service: | 6,664,000 NIS |

2. The Youth Probation Service (Juvenile crime prevention and rehabilitation)

The Youth Probation Service provides the following services:

- i. Psychosocial investigations - 22,086 per year.
- ii. Individual and group therapy - 5000 per year.
- iii. Children investigations - 8,000 per year.

The budget of the Youth Probation Service in **2002** is **35,115,000 NIS**. The elements of the budget are:

- i. Probation officers 28,826,000 NIS
- ii. Children investigators 6,829,000 NIS

The Youth Protection Authority also treats youth in risk. There are 51 youth centers treating 1902 youth annually. The budget of the Authority in **2002** is **80,524,000 NIS**.

3. Department for treatment of mentally disabled persons (children with disabilities)

The Department treats 2,300 persons. Annually, 600 newborns might become mentally disabled. The Department's budget in **2002** is **952,314 NIS**.

The Rehabilitation Department

The Department provides services to the following population:

In day care centers: 1750 (babies, children and youth). In children's homes: 200 children with disabilities, in foster care: 200 children with disabilities, in other projects for children with disabilities and high risk: 600 children.

The department for Autism

The Department provides services to 62 persons under the age of 18, in children's homes and 1,100 children within the community. The budget of the Department in **2002** is 11,696,000 NIS.

4. Other social services

- i. Programs for children exposed to violence 1 million NIS.
 - i. Social Workers' Training - 60,000 NIS.
- ii. Youth prevention programs at schools 400,000 NIS.
- iii. Parental functioning programs 200,000 NIS.
- iv. Program for children of alcoholics 150,000 NIS.

v.	Improvement of parental capabilities	950,000 NIS.
	i. Prevention of risk to children	850,000 NIS.
	ii. Young parents	100,000 NIS.
vi.	Programs for returning children to their families after staying at a children's home	200,000 NIS
vii.	National violence hot-line	400,000 NIS
viii.	Parents-children centers	2,800,000 NIS
ix.	Welfare workers (responsible for preparing 12,000 surveys annually)	30,000,000 NIS

ii. Please see the reply to question B.1.

3. ***With respect to terrorist incidents, information for persons under-18 in Israel on:***

a) The number of deaths and injuries;

12. From September 29, 2000 to August 6, 2002, 424 civilians were murdered and 3196 civilians injured in terrorist attacks. **90 Israeli children** were murdered since September 2000, in restaurants, discotheques, schools, public transportation, market places, open streets, in their homes, and elsewhere. In many instances, children were the direct and intentional targets of the attacks. For the full list of victims see the document "Children and Terror" (updated until May 2002) enclosed with this submission. Since the issuance of that document, 20 additional Israeli children were murdered in indiscriminate terrorist attacks whether by ***homicidal suicide attacks*** (one example is the death of 18 children, all Jewish emigrants from the former Soviet Union who were murdered outside the Dolfinarium Discotheque in June 2001), ***snipers shots*** (one example is the cold-blooded murder of 10 month old baby Shalhevet Pass in March 2001) and ***stoning to death*** (one example is the death of two 14 years old boys who were found stoned to death in a cave at the Judea desert, south of Jerusalem).

13. **833 children were injured** in those attacks,¹ many of them permanently crippled by the injury. In one attack on a children's bus on its way to school in November 2000, two people were killed (among them, a school teacher) and nine injured. Three children aged 7, 8 and 12, two sisters and a brother, were severely injured and lost one or more of their limbs. Whole families have been shattered by the terror attacks. 30 children lost both their parents in terrorist attacks and many more lost one parent. Their family lives permanently ended. In addition to these, hundreds of Israeli children have suffered emotional injuries. Section B.4. to this response outlines some of these cases.

b) The steps that have been taken to investigate, prosecute and provide adequate redress and/or rehabilitation in relation to injuries and deaths of these victims.

Investigation and Prosecution

14. Several authorities combine efforts to combat terrorism. The Police, charged with the investigation of terrorist attacks, regard it as one of the top investigation priorities and allocates the manpower required for this task.
15. During 2001, 180 police investigations were conducted regarding numerous terrorist attacks that resulted in the deaths of 382 persons. From January 1, 2002 to July 31 2002, 81 investigations were conducted regarding numerous terrorist attacks that resulted in the deaths of 299 persons.
16. The prosecution, headed by the State Attorney, regards terror related offences as extremely severe and pursues a strict sentencing policy. The prosecution indicts all those involved in the planning and commission of terrorist attacks and demands the imposition of severe penalties against them.
17. The gruesome details of these cases are difficult to comprehend. In one case in 2002, an indictment was filed against a terrorist charged with responsibility for the injury of fifty-six children in sixteen separate incidents (*State of Israel v. Tabet ben Azmi Suliman Mardawui*, Criminal Case No. 348/02, District Court of

¹ Information updated until July 31, 2002.

Haifa). The accused is a resident of Jenin and a member of the "Islamic Jihad", a terrorist organization, who was involved in the planning of a series of terrorist attacks.

18. The indictment in this case includes sixteen different charges, all related to terrorist attacks. The first charge relates to an attack launched in Hadera's central bus station on May 25, 2001 by a car bomb. Sixty-six Israelis were injured, among them twenty-six children. Most of the children suffered from trauma, while some were severely injured. A 17 year old boy suffered from broken bones and burns, while another 15 year old boy suffered from level 2 burns and deep cuts which required surgery, and a 10 year old girl suffered level 1 burns. The second charge relates to a homicidal suicide attack in Binyamina on July 16, 2001. Two people were killed and thirteen injured, among them a two years old boy. The fifth charge relates to a homicidal suicide bomber attack (12.8.01) in Kiryat-Mozkin in August 12, 2001. Eleven people were injured, among them four children. The ninth charge relates to a shooting attack (12.8.01) in Hadera in October 28, 2001. Four people were killed and forty-five injured, among them twenty children. A sixteen year old girl suffered from open fractures of her bones and a torn spleen and a fifteen year old boy suffered from shooting wounds in his stomach, thigh and hip. The eleventh charge relates to a terrorist attack leaving, among other victims, four children injured and the twelfth charge relates to a homicide attack leaving, among other victims, a fifteen year old girl injured.

Redress and Rehabilitation

Psychological Care

19. The Psychological Service in the Ministry of Education has developed an "Emergency Intervention Model" which maps the injured populations and suggests differential treatment to each population group in accordance with its proximity and the severity of the injuries it suffered. Since the beginning of the current Palestinian hostilities and violence (September 2000) the Psychological Service of the Ministry of Education has been checking the effectiveness of the model vis-a-vis injured populations exposed to continuing injuries, as experienced in the current situation.

20. In the current situation, both children and those charged with their care (teachers, counselors, psychologists etc.) are exposed to high levels of risk and injury, and to a constant threat of additional injury and trauma. This renders treatment more complex as it requires treating the entire community and focusing on developing mental health and strength amongst the community as a whole, including children.
21. Due to the wide range of injuries suffered and the difficulties to trace them, the Psychological Service trains teachers and parents to identify children in need of focused treatment.
22. The models for identification and treatment of injuries are based on recently conducted researches (please see below our reply to B.4.).

Care Systems for Children Directly and Indirectly Traumatized as a result of Terrorist Attacks in Israel

23. Children who are affected by acts of terrorism can be categorized as:
 - 1) Children affected directly.
 - 2) Children, who were present at the scene of the terrorist attack, not physically injured but who lost a close relative/parent.
 - 3) Children who were present but not physically injured.
 - 4) Children who suffered a loss without being present.
 - 5) Children who are growing up in an atmosphere of constant terror and trauma threat.

In other words – all children who are exposed, to indiscriminate terrorist attacks on a prolonged basis, may be considered children at risk, and must be screened, diagnosed and treated accordingly.

24. Research in Israel has shown that symptoms increase in proportion to the number of exposures to trauma, and according to a variety of social and familial support systems.
25. The Psychological services generally involved in screening, diagnosis and treatment are the Educational, Social and Health services of the Ministry of Education, usually in collaboration with the local authorities.

- 1) All children who have been present at the scene of the terrorist attacks, whether physically injured or psychologically stressed, are transferred to Emergency Wards and screened. The team locates an adult to be with the child, and he/she is interviewed to check his/her subjective sense of the event (trauma, fear, shock, guilt, confusion, etc.). There is immediate psycho-instruction as to possible future symptoms and if and when to return for a follow-up. Many places do a follow-up (reaching out) a month later.
- 2) Children who are hospitalized for injury receive psychological consultation, and then follow the above procedure.
- 3) Social services will check on relatives and take care that there is immediate support for children who have lost a family member (all efforts are made to support the local close family environment, neighbors, etc. – people familiar to the child/ren).
- 4) The educational network does screening whenever an event affects a group from that school/kindergarten, both for traumatic symptoms in the children who were present at the event, and for symptoms in children who lost classmates, feel guilty, etc.
- 5) There is an increased emphasis on training for all social, medical and educational personnel to pick up symptoms both of post-traumatic stress disorder and any anxiety, panic or guilt reactions in children.
- 6) There is an increase in networking of the municipal services with the Mental Health services. The local social workers screen all residents within a certain radius of a terrorist event to check for adults and children who have been affected; they are backed up by home visits or referrals to the appropriate health services.
- 7) There are developing programs with special emphasis on the different ages, such as infants who cannot express their symptoms verbally. Again, this is done through networking with the existing community services.
- 8) There are developing programs to educate the hospitals, homes and schools on how to allow for free expression of anxiety and fears while avoiding situations that increase the fixation on the traumatic event (such as television exposure in the Emergency Ward).

Compensation for Damages

26. All victims of terrorist attacks are entitled by law (the Law on Compensation for Victims of Terror Attacks, 1970) to receive compensation from the Government for damages incurred by the attack. The eligibility for compensation is determined by the Institute for Social Security, which is also responsible for paying the victims.
 27. Victims of terrorist attacks are entitled to all rights provided in the newly enacted *Rights of Victims of Crime Law, 2001*. Additionally, section 77 of the Penal Code, 1977, authorizes the court to order that the convicted offender shall pay the victim compensation of up to 84,400 NIS² for the damage and suffering caused to him. The State Attorney has issued a revised guideline regarding assistance to victims and witnesses in criminal proceedings (**Guideline 14.7**). The Guideline refers specifically to the provisions of the *Rights of Victims of Crime Law* and to section 77 of the Penal Code, and instructs prosecutors to ask the Court to make a ruling on compensation to the victim. Before asking the court to make such a ruling, the prosecutor should consider the nature of the offence, the evidence vis-à-vis the damage and the prospects that the compensation will eventually be paid by the offender.
 28. In prosecutions against terrorists, the number of victims is usually high and the injuries are varied. It is therefore not very practical to ask the court to order compensation. Still, the option to request for such ruling is open to the prosecution in the appropriate cases.
4. ***With respect to Israeli security and military operations in the West Bank and Gaza Strip, information for persons under-18 (disaggregated by age and sex) on:***

a)-c) See the reply to B.1.

² Approximately 17,957 US Dollars.

d) The number of complaints of torture and ill- treatment by security and military officials; and

29. The information on numbers of complaints against security and military officials cannot be disaggregated by the identity of the complainant. Please see more information below.

e) The steps taken to investigate, prosecute and provide adequate redress and /or rehabilitation in relation to ill- treatment, injuries and deaths and of these victims.

Complaints against law enforcement officers

30. The authorities in Israel investigate any complaint against law enforcement officers. In 1992 an independent department within the Ministry of Justice (the Department for Investigation of Police Misconduct) was set up. This department is specifically charged with investigating any complaints on involvement of police personnel in the commission of offences.

31. The Department for Investigation of Police Misconduct is headed by an attorney who is equal to a District Attorney, and aided by police investigators. The Department handles any complaint regarding offences punishable by one year of imprisonment or more. These offences cover cases of unlawful or excessive use of force and related offences. The Department may recommend the initiation of administrative and/or criminal proceedings against the suspected officer, and in some cases the Department itself handles the criminal proceedings.

32. Any person, whether a national of Israel or otherwise, may file a complaint with the department, directly or via mail, fax or e-mail. Complaints filed with regular Police are immediately transferred to the Department for investigation of Police misconduct.

33. Data on cases handled by the Department does not include specific information on the age or nationality of the complainants, as part of its policy of equally addressing all complaints. During 2001 the Department received

5,896 complaints. 2,362 complaints were found to be within the authority of the department and were investigated. In 29% of the investigations, the initiation of criminal or administrative proceedings was recommended (Please see table below).

34. Distribution of the complaints investigated by the Department for Investigation of Police Misconduct in 2001:

Recommendation of the Department	Number of cases
Criminal Proceedings	199
Administrative Proceedings	225
No evidence on guilt	327
Non-sufficient evidence	559
Lack of Public Interest	134
Offender unknown	74
On-going investigation	884
Total	2,362

Complaints against Military Personnel

35. Complaints against military personnel can be filed with the IDF Ombudsman for the general public. Complaints on personnel misconduct which may amount to a criminal offence are usually filed with the Military Advocate General's Corps. Any complaint that appears to be founded is transferred to the appropriate military advocate who may then transfer it to the appropriate investigatory authorities. Complaint found to be justified may result in administrative or criminal proceedings against the soldier or officer involved. NGO's may, and usually do, file complaints on behalf of individuals.

Complaints against Israel Security Agency personnel

36. Persons who are detained by the Israel Security Agency for purposes of investigation are entitled to file complaints concerning any alleged mistreatment during such investigations. All such complaints are thoroughly investigated.

37. The Department for Special Functions in the State Attorney's Office handles the prosecution of Israel Security Agency personnel. Since the Supreme Court

decision in September 1999, it has been the strict policy of the Israel Security Agency that the ISA personnel may not use during the course of an investigation any of the interrogation methods which the Court held to be illegal.

38. The Department for Investigation of Police Misconduct is also authorized to assist in the investigation of complaints against ISA personnel concerning investigation activity, when it is requested to do so by the Attorney General.

39. The Department for Special Functions in the State Attorney's office has received no cases against Israeli Security Agency personnel involving mirrors during the last year.

B. General Measures of Implementation

1. *Please explain why the State party report does not contain any information on the implementation of the Convention in The West Bank and Gaza Strip*

40. The State of Israel did not include in its periodic Report details on the implementation of the CRC in the West Bank and the Gaza Strip for several reasons, ranging from legal obligation or responsibility, to practical reality. As a practical matter, it is important to understand at the outset that Israel is not in the possession nor can it gather the predominant part of the information the Committee is requesting. Since 1994 powers and responsibilities over issues covered by this Convention have been transferred to the Palestinian Authority.

Since 1994 Israel has transferred power and responsibilities over the Palestinian population in matters covered by the Convention, to the Palestinian Authority. Thus, as a practical reality, Israel cannot provide the predominant part of the information requested.

41. Israel's Initial Periodic Report was prepared between 1998 and 2000, by which time powers and responsibilities for the

administration of every aspect of Palestinian children's life had already been transferred to the Palestinian Authority, and accelerated peace negotiations were under way between Israel and the PLO towards the conclusion of a permanent status agreement.

42. Under the agreements signed between Israel and the PLO since 1994, a *sui-generis* legal regime, exceptional in its nature, was established in the West Bank and Gaza. Over 98% of the Palestinian population of the West Bank came under the jurisdiction and control of the Palestinian-Authority in **all spheres covered by the Convention on the Rights of the Child**. Such was the case, for example, in areas of administration and law-enforcement, education welfare, health, internal security and public order, as well as in the judicial, executive and legislative spheres. These Agreements were heavily supported by the International community, including the United States, the European Union, Arab States, and many others. These Agreements were viewed as a stepping-stone for peace. The relinquishment of authority over civil matters by Israel in favor of the Palestinian Authority was viewed as a cornerstone of the Agreements as far as the Palestinians and many in the international community were concerned.

43. Accordingly, since 1994 Israel has had no say, control or jurisdiction in these civil matters over Palestinian population in the West Bank and the Gaza Strip. By contrast, prior to 1994 Israel did have control over these issues in the West Bank and Gaza strip. Since the relinquishment of control, we are witnessing outrageous practices such as constant incitement to violence in Palestinian schools, Government-controlled media and mosques in the Palestinian-controlled territories inciting to terror; para-military training of Palestinian youth and children under the age of fifteen and their deliberate indoctrination in the "art" of homicidal suicide bombings and "martyrdom" in summer-camps and schools, large scale anti-Semitic context in text-books and more, in extensive and flagrant violation of basic international norms and principles. Such could not have been practiced if Israel had jurisdiction over these

matters and the Palestinian population. Such practices, we would note, violate not only basic rights of Palestinian children, but result in imminent threat of death and terror to Israeli children, who are the victims of this incitement, hate, and terror.

The Convention, as a legal matter, does not apply to the West Bank and Gaza Strip

44. As a legal matter, the Convention on the Rights of the Child does not apply, nor was it intended to apply, to areas outside the territory of the States that took upon themselves the obligations of the Convention. This is reflected in the text of the Convention itself, and in the specific declarations made by various State Parties, in which they reserved the right to extend the applicability of the Convention to any territory for whose international relations they are responsible, such as trusteeship or self-governing territories. Clearly, in the absence of such specific declaration, the Convention cannot apply to different territories.

45. Israel has never made such declaration with respect to the West Bank and Gaza Strip. Indeed, it would appear that such a declaration by Israel might be viewed as contradictory to the Agreements it had signed with the Palestinian Authority, Agreements in which all jurisdiction and control over these matters was transferred to the Palestinian Authority, and that were supported by the international community and the United Nations.

It is the Law of Armed Conflict that applies to the current situation

46. Reality has been cruel to all peoples in our area, many times through no fault of those hurt. However one cannot impose responsibility or obligations where they do not exist.

47. Israel contends that the law of armed conflicts regulates the unique situation in the West Bank and Gaza Strip. This legal source provides, apart from substantive rules, a separate, clear and independent body of

procedures and remedies for enforcement, to be applied in cases of violations by either side to the conflict.

48. Under international law there are two legal regimes aimed at the protection of human beings. The law of armed conflict, a body of law that specifically applies in times of armed conflict as defined by the 1949 Geneva Conventions, and which mostly governs the relations between the state and persons of the other party to an armed conflict. This body of law provides, *inter alia*, for the protection of individuals not taking part in the hostilities, especially some specifically defined vulnerable groups, including children.
49. By contrast, the law of human rights was historically developed to defend the individual from the arbitrary action by the authorities of his state of nationality or residence. This body of law has been expanded over the years, to impose additional and progressive obligations on states. The law of human rights applies in times of peace, and predominantly governs the relations between a Government and its nationals. The Convention on the Rights of the Child is indeed a prominent component of this body of law.
50. Clearly one can find a profound connection between human rights law and the law of armed conflicts, and there may well be a certain convergence between them in some particular respects since both share the fundamental notion of humanity and respect for human dignity. Human rights law has influenced the provisions of the Geneva Conventions and the laws of armed conflict in general. However, these are two systems of law, codified in separate instruments and applicable in differing circumstances – and are geared to deal with the different circumstances they were each conceived to regulate and the obligations the particular state took upon itself.
51. The sad reality is that the Palestinians have created a state of armed conflict with Israel, that has been going on for two years, and has resulted in hundreds of casualties on both sides. The law of armed conflict is the body of law best suited to regulate the situation in the West Bank and the Gaza Strip.

52. As of September 2000, Israel has faced an unprecedented wave of Palestinian violence, terrorism and hostilities. These attacks were characterized by thousands of live-fire attacks against Israeli civilians and military forces, and the targeting of Israeli civilians for no other reason than that they are Israelis. The deadly waves of violence had been initiated, orchestrated and encouraged by the Palestinian leadership. Organized Palestinian militia – the Fatah *Tanzim*, elements within the Palestinian Police and the official Palestinian security apparatus, as well as other factions – have been the backbone of the continuing armed attacks against Israelis. It is a conflict in which the Palestinian *modus operandi* has invariably used automatic weapons, machine guns, hand grenades, assault rifles, pistols, explosives and suicide bombers as weapons of war, murder and destruction. It is a conflict supported by many amongst the Palestinian population. Parts of the Palestinian civilian population encourage, support and are actively engaged in terrorism and other combatant activities. The scale and intensity of these terrorist attacks has been such as to amount to an armed conflict.

53. This situation is governed by the laws of armed conflict. Human Rights Law is simply not equipped to deal with the reality of armed conflicts, as it contains no rules that either define or distinguish civilians from combatants and other military targets and, much less, specify when a civilian can be lawfully attacked or when civilian casualties are a lawful consequence of military operations. Nor does it contain, conversely, provisions specific to the needs of civilians in armed conflict. In the context of armed conflicts, the legal regime of the law of armed conflict takes precedent.³

54. Israel respects the international rules of armed conflict applicable to it. These rules, we would note, include, to the extent appropriate, enforcement measures, by monitoring organs with supervisory powers pursuant to the 1949 Geneva Conventions, and by the parties to the conflict themselves.

³ As the ICJ opined in its Advisory Opinion on the Legality of threat or Use of Nuclear Weapons (1995).

55. In conclusion, given the aforementioned factual and legal situation and the lack of resources, material and relevant data with respect to the West Bank and Gaza, Israel did not consider it relevant, possible, or within its scope of responsibility to report on the implementation of the CRC in these territories.

2. ***With respect to the implementation of the convention please include how the following are achieved:***

a) **Inter-sectoral co-ordination and co-operation on child rights at and between central and local levels of Government; and**

56. Currently, there is no central authority that is designed to be solely charged with children's rights. There is, however, coordination between the various ministries that deal with these issues, as well as ongoing interaction between the central and local levels of Government. There are several joint programs and efforts of the Governmental and local authorities together with NGO's for the benefit of the child. Such joint efforts and programs are, for example:

1. Kedem (short for family discussion group) is a joint effort of the Police, the Youth Probation Service and other therapeutic agents. Together with the minor and his/her family, these authorities are in some cases authorized to set a rehabilitation program for the young offender (that may include determining compensation for the victim), as an alternative to filing an indictment against the minor offender. This program was mentioned in Israel's Initial Report - page 328.
2. Protection Centers for Children – These centers are the initiative of the National Council of the Child and are being established through cooperation between the police, "Ashalim" association, local authorities and the relevant ministries. One center has already been opened in Jerusalem. This is the first of a projected network of similar centers that is to be developed across Israel. The new service centralizes the otherwise dispersed professional agents that are involved in the assessment,

investigation and primary care of suspected victims of sexual or physical abuse. The professions represented include: medical staff, child protection officers, police investigators, social workers, and the judiciary. The convergence of all relevant professionals under one roof will compress this process significantly - from up to two months as it is today, to under a week. This will allow the professionals to reach a quick and comprehensive decision about action to be taken for the protection of the child. It is also hoped that the coordinated process will be less traumatic for the child and family and yield more accurate investigations. A second center in the Dan area (Tel-Aviv) is now being established. Additional centers will be established throughout the country, based on the same model.

b) Receiving and addressing complaints of violations of child rights.

57. Many Governmental and nongovernmental organizations deal with receiving and addressing complaints of violations on child rights, each in their respective capacity and role. Examples are as follows:

Ministry of Education

1. A representative of children's rights as mentioned in the Initial report pages 55- 56.
2. In addition, the office of the Deputy Director General at the Ministry of Education is responsible for handling student inquiries (the Open Line) and questions from the public concerning the education system, and evaluates schools and various educational topics in education in order to provide feedback to the decision-makers.

The open line aims to:

- Provide fast, extensive and exhaustive answers to the students and their parents' complaints and worries.
- Assist students and pedagogues in situations of personal or social distress.
- Enhance the awareness of the students and pedagogues to students' rights.
- Improve the Ministry of Education's policy regarding students' rights and needs.
- Provide feedback to the Ministry on new phenomena.

The open line operates as a national center and people can turn to it by phone or mail.

Ministry of Health

58. The Ombudsman of the Ministry of Health was established in accordance with article 45 of the National Health Insurance Law, 1994. Every citizen, including children, has the right to file a complaint against any Health Maintenance Organization (HMO), their subordinates, their employees or anyone who works on their behalf. The National Health Insurance Law attempts to achieve balance between the intent to give a proper health service to citizens and between the need to consider social limitations and budgetary constraints. The Ombudsman's interference is required when this balance is violated or does not achieve actual implementation.

The National Ombudsman

59. The National Ombudsman Investigates complaints regarding all operations of every Governmental activity, thus every activity relating to children. In the past several years, approximately 6000-7000 complaints have been submitted annually to the Ombudsman. In more than half the cases, the investigations are completed with a decision on the matter at issue, and about 35% of the complaints are found to be justified.

The National Council for the Child

60. An NGO that receives over 9,000 complaints from children every year, and publishes an ombudsman report annually.

The Council for the Child Emplacement

61. An NGO that provides services for children at risk, in situation of out of home placement. A retired judge (Mr. Amos Zamir) serves as an ombudsman for these children.

ii. If any overlap or duplication exists in areas of competence, inconsistencies in policies, or differences in priorities among the different Government sectors, what is done to remedy this?

62. The reply to this question is included in the reply below, since Israel's comprehensive national plan includes concrete plans to solve existing overlap, duplications in areas of competence, inconsistencies in policies, or differences in priorities among the different Governmental sectors, as well as plans to fill some gaps in the existing legislation.

iii. Please provide details, if any, of a comprehensive national plan of action to implement the Convention.

63. Acknowledging the challenges relating to the implementation of the Convention, the Minister of Justice appointed in 1997 a public Committee on Children and the Law. The primary goals of the Committee, as stated in its letter of nomination, are:

- 1) To re-evaluate the provisions of the existing Israeli law with respect to children, in light of guiding principles of the Convention on the rights of the Child.
- 2) To examine the need and possibility of incorporating various parts of the Israeli laws relating to children into a comprehensive Children's Act.
- 3) To evaluate the need to establish various bodies and mechanisms to apply, coordinate and enforce all that is related to the implementation of children's rights, as mandated by the Convention on the rights of the Child.

64. The Committee deals with wide variety of aspects of children's lives including: family, education, criminal proceedings, children's civil, political, economic and social rights, the right to separate representation in various proceedings, out of home placement of children (foster-care and children's homes), children at risk and

the procedures to provide treatment and protection for them, adoption, the need to establish a Governmental authority responsible for children's rights.

Structure and work of the Committee on Children and Law

65. Justice Saviona Rotlevy of the Tel Aviv District Court was appointed as Chairperson of the Committee, bringing with her years of judicial experience and expertise in matters relating to children. The Committee is multidisciplinary, and its members are well-known professionals from a wide variety of disciplines, including, law, social work, mental health, education and psychology. The committee operates through six subcommittees devoted to main areas of children's lives.

These include the following subcommittees:

- 1) Children and their Families;
- 2) Child Protection;
- 3) Out of home placement;
- 4) Children in the Criminal Process;
- 5) Children and Education;
- 6) Child Representation.

66. The Committee's ongoing work is designed and directed by a Steering Committee. The Committee was faced with a great challenge: the formulation of the legislative principles related to children. Issues to be addressed by the Committee have been mapped according to the main principles of the Convention relating to children's rights: the child's best interest, children's rights to development and survival, equality and participation.

67. The appointment of this Committee is undoubtedly one of the most ambitious and comprehensive legislative initiatives undertaken by any country, towards the incorporation of the principles laid out in the Convention on the Rights of the Child.

68. The Committee invests much effort in facilitating the participation of children in its work. Children and youth participate in a variety of ways, in the Committee's work both as members of sub-committees and as participants in focus groups relating to specific topics. The development of tools for effective child participation is an ongoing challenge for the Committee.
69. In addition to the creation of the Committee, an important bill is in its first steps of drafting, the Bill for the implementation of the Convention on the Rights of the Child (hereinafter: CRC Initiative).

The CRC Initiative

70. The Rotlevy Committee is promoting legislation with a view to implement the CRC in Israel. This future draft legislation will reflect the assumptions that lie at the heart of the CRC itself, that the child holds independent rights, and that children's rights are to be regulated in a holistic and extensive manner, in every aspect of life – imposing obligations upon the state with regard to these rights.
71. It was decided by the Committee that the future bill should serve as a legal framework for the implementation of the Convention, while other, more specific laws, will incorporate specific provisions, such as the ones pertaining to education rights, rights within the family, rights in the criminal process, etc.
72. The underlying principles of the Rotlevy's initiative are the four basic principles of the CRC: equality, the best interest of the child, survival and development and participation. It should also include some of the rights specific to children such as the right to be cared for by their parents and the right to maintain personal relations and direct contact with both parents, and clauses attributing responsibilities to the Government in implementing the Convention's provisions.
73. The Committee is considering a proposal to create an implementation body, which shall have two main functions. The first function shall be an advisory board – monitoring the policies with regard to children, assisting the Government to develop new policies relating to children, and help local

municipalities to set plans of local services for children. The other function would be a children's ombudsman who will receive and deal with complaints of children with the perspective of children rights, and serve as a Comptroller of Government actions with regard to children related activities.

Separate legal representation of children

74. During the last couple of years, there has been growing tendency to recognize the benefits of separate legal representation for children in Israel. Supreme, District and Family Court cases have acknowledged that benefit and right. These positive developments are at the stage of initiation and examination.
75. A Sub-Committee of the Rotlevy Committee on the separate representation of children in legal proceedings other than criminal,⁴ such as in divorce proceedings, adoption proceedings, out of home placement etc., began its work in May 2002. The Sub-committee will deal with empowerment of children issues, participation of children in line with article 12 of the Convention, due process, etc. The Sub Committee shall recommend the best suitable model for Israel with regard to the representation of the child, shall deal with questions such as the professional identity of the representative of the child, and how the mechanism for the representation of a child should look like.
76. In 2001 the Committee also published a comprehensive Children legislation guide in light of the principles of the Convention. This guide was submitted to the Speaker of the Knesset, and circulated to Knesset members, and to legal advisors of the different ministries.

iv. What measures have been taken to establish an independent mechanism to monitor human rights?

⁴ Where the right to representation is already guaranteed.

77. In April 2000, the Ministry of Justice appointed a Steering Committee, composed of Government officials, academics and representatives of NGOs, in order to establish an Israeli Human Rights Commission.

78. The Steering Committee was instructed, for the first time since the establishment of the State of Israel, to guide the conducting of a thorough research for the development of a human rights commission in Israel. The objective of the Committee was to advise the Director General of the Ministry of Justice on issues regarding the proposed structure of the Commission, the desired scope of the Commissioner's responsibilities and the legislation and required practical measures for the establishment of the Commission.

79. Researchers at the Hebrew University of Jerusalem's Minerva Centre for Human rights, supported by the Steering Committee have already completed a comparative study of Human Rights Commissions throughout the world. The recently completed study aimed to identify and develop a model for a Human Rights Commission that would be compatible with the unique political and social structure of the State of Israel. These programs have not yet been implemented.

3. Programmes and policies to implement existing legislation regarding child abuse and neglect, as well as campaigns to combat and raise awareness of corporal punishment

Implementation of Criminal Legislation regarding Child Abuse and Neglect

80. The investigation, prosecution and judicial authorities in Israel apply the criminal laws concerning child abuse and neglect.⁵ The severity in which the authorities view these offences is reflected in prosecution policy and in the sentencing norms set by the judiciary.

⁵ See first periodic report, at para. 578 onwards.

Implementation by the State Attorney

81. The State Attorney has issued a set of specific guidelines on Prosecution policy with regard to indictments, sentencing and plea-bargains.

Guideline 2.6. - Prosecution Policy regarding the offence of assaulting a minor or helpless person (sections 368B(a) of the Penal Code): In any case where a person assaults a minor or a helpless person, in general, that person should be charged with the specific offence, and not with the offence of regular assault. It should be noted that the penalty for an offence under section 368B(a) is 5 years imprisonment or 7 years imprisonment when the assaulter is responsible for the minor, whereas the penalty for a regular assault under section 380 of the Penal Code is 3 years imprisonment. Only a District Attorney may decide to charge the defendant with regular assault. A District Attorney may decide to charge with the lesser offence when both the assaulter and the victim are minors, their age difference is up to 2 years, and they are both of the same sex.

Guideline 14.1. - Handling cases of sexual exploitation of children or other forms of abuse within the family:

- 1) Cases involving child abuse within the family involve special problems, especially due to the need to consider the victim's future relationship with his family and with the offender.
- 2) Expert opinions may be required to assess the therapeutic and mental needs of the victim and his family. Such an opinion plays a role in making the decision to indict, throughout the trial and in the sentencing stage.
- 3) Cooperation and coordination with social workers is vital. The police should mention in any file the name of the social worker in charge of the case.
- 4) The social worker in charge of the case should be informed of any arrest and/or release proceedings against the accused.
- 5) Where necessary, the State Prosecution consults the social worker on therapeutic measures and required legal action in accordance with the Youth (treatment and care) Law, 1960.
- 6) In some cases, the State Prosecution will ask the social worker for a written opinion on these subjects.

- 7) In the sentencing phase, an expert opinion may be submitted to the Court. The National Council for the Child has expressed its willingness to assist in locating the experts.
- 8) When no specific expert opinion is available, general opinions of experts may be used.
- 9) Each District Attorney will appoint a prosecutor that will be in charge of handling these cases.
- 10) Where necessary, the State Prosecution will ask the Probation Service to conduct a survey on the question whether it is appropriate to pursue a criminal proceeding in the circumstances of the specific case.
- 11) Sentencing Policy – in general, severe penalties should be imposed on offenders.
- 12) Please see also State Attorney Guideline 9.8.
- 13) Appeal Policy – the results of any case involving child abuse would be reported to District Attorney, to decide whether to file an appeal.
- 14) Plea-bargains – before making any plea bargain the Prosecution will consult a social worker or an expert who treats the child.
- 15) See also State Attorney Guideline 8.2. Including elaborate guidelines on plea bargains in cases of child abuse within the family.
- 16) The newly enacted Rights of Victims of Crime Law - 2001, reaffirms the provisions of this guideline.

Guideline 9.8. - Sentencing Policy in cases of sexual exploitation and abuse within the family: The State Prosecution should ask for the maximum sentence in cases of severe sexual exploitation within the family (the guideline cites several Supreme Court judgments where maximum sentences were applied). In cases of non-sexual child abuse, Criminal Appeal no. 88:5/92 should be used as a precedent for the appropriate sentencing in these cases (a father who assaulted his son and caused him injury was sentenced to five years imprisonment). In any case of violence in the family, upon conviction, the Court should be asked to order the accused to deposit weapons in his possession to the police and have his license revoked.

Guideline 2.3. - Prosecution Policy in Cases of Child Neglect: Following the amendment of Article 361 of the Penal Code, establishing as an offence

“leaving a child under the age of six without proper care” and several cases in which parents left their children unattended inside locked cars, the Prosecution policy is to indict the parents. In general, in case of neglect, there is a public interest that the offenders be indicted, in light of the need to raise awareness among parents and deter others. An exception to this rule may be where parents’ negligence was a short, one-time event and resulted in the child’s death, as there may not be an interest in prosecution in light of the parents’ tragedy. It should also be noted that leaving children in cars without parental care, might be prosecuted under other provisions in the Penal Code (such as sections 337, 340 & 341).

Guideline 8.2. – Plea Bargains in Cases of Sexual Abuse and Child Abuse Within The Family: In general, in cases involving child abuse the State Prosecution should demand severe penalties, in light of the severity of the offences and the need to create deterrence. These cases are quite complex and sensitive and require careful attention.

Relevant considerations for the decision to adopt a plea bargain in such cases include: evidentiary difficulties, damage to the victim if he or she is called to testify, promoting rapid conviction and punishment.

Any plea bargain should be approved by the District Attorney. In highly sensitive cases, the State Attorney should be consulted. Additionally, a social worker or other experts should be consulted. In special cases, the Probation Service should be asked to prepare a survey on the entire family, and not just on the accused. It is highly important that the prosecutor in charge contact the victim and his family to explain the considerations that led to the conclusion of a plea bargain.

Implementation by the Courts

82. The Courts in Israel have taken a strict approach towards child abuse, as the following examples indicate: In the case of *John doe v. the State of Israel* (Criminal Appeal no. 228/02, 18.7.02, not yet published), the appellant was convicted in a series of serious offences committed against his wife and six children over a period of more than eight years. He was convicted of sexually molesting three of his daughters, abusing his children and his wife, assaulting

and assaulting under aggravated circumstances his wife and children in dozens of instances. He was sentenced to twenty-eight years imprisonment by the District Court and appealed his sentence. The Supreme Court rejected his appeal and held that the sentence reflects the severity of the crimes committed by the appellant against his own family members. The Court repeated, in its decision, the words of one of the victims “whoever murders the souls of his own children, deserves this punishment, even if he didn’t actually commit a murder offence”.

83. In the case of *John doe v. the State of Israel* (Criminal Appeal no. 182’01, 16.7.02, not yet published), the appellant was convicted in the commission of several sexual offences, including a sexual offence against a family member. He was also convicted of extortion and obstruction of justice. He was sentenced to twenty-three and a half years imprisonment by the District Court and appealed his sentence. The Supreme Court rejected his appeal and held that the offences of using violence and abusing his victims indicate that the appellant is a dangerous offender, and hence received an appropriate sentence.
84. In the case of *John Doe v. the state of Israel* (Criminal Appeal No. 8139’00, 8.7.2002, not yet published), the appellant was convicted of three charges of sexual offences against minors. He was also convicted of drug possession and harassing a witness. He was sentenced to twenty-five years imprisonment and a 24 month suspended jail sentence. The Supreme Court rejected his appeal regarding the sentence. The Court noted that the appellant was a close friend of the minors’ parents, and abused his intimate relationship with the minors’ families to assault and abuse them. The Court rejected the argument that the absence of violence should mitigate the sentence, as the appellant took advantage of the victims’ trust and love for him. The continuance of his acts justifies severe punishment and labels him as a dangerous offender.
85. In the case of *John Doe v. the State of Israel* (Criminal Appeal no. 5965/00, 11.10.01, not yet published), the appellant was convicted of sexually molesting his daughter since she was 10 years old, for several years. He was sentenced to twenty-two and a half years imprisonment and three years suspended sentence by the District Court and appealed his sentence. The Supreme Court rejected the appeal and held that the appellant betrayed his

role as a father and set loose his lowest desires, without sparing on her soul and her future. A person who commits such offences is highly dangerous and should be imprisoned for a long period of time, to prevent additional damage and to deter others.

Programs for Treatment of Abused or Neglected Children

86. Several programs for treatment of abused or neglected children have been developed in recent years with the cooperation of a variety of Governmental agencies and organizations, including NGO's. Two such special projects intended for the protection and rehabilitations of children who are in special risk or are crime victims are described below. These projects are the product of cooperation between the Youth Department in the Police Investigation Division, the National Council for the Child, "Ashalim" association, the local municipalities etc.

- 1) A project to accompany minor victims and witnesses (a joint project with the National Council for the Child). Any minor who is a victim or witness to an offence is assigned a representative who accompanies the entire process and can represent the child in receiving information about the criminal process, prepare the child to the testimony (in aspects other than the content of the child's testimony) etc. This project is now run as a pilot in two police stations (in Jerusalem and Tel-Aviv) and will hopefully be expanded in the future to other Police stations.
- 2) Protection Centers for Children – These centers will be established through cooperation between the National Council for the Child, the Police, "Ashalim" association, local authorities and the relevant ministries. One center has already been opened in Jerusalem. This is the first of a projected network of similar centers that is to be developed across Israel. The new service centralizes the otherwise dispersed professional agents that are involved in the assessment, investigation and primary care of suspected victims of sexual or physical abuse. The professions represented include: medical staff, child protection officers, police investigators, social workers, and the judiciary. The convergence of all relevant professionals under one roof will compress this process significantly - from up to two months as it is today, to under a week. This

will allow the professionals to reach a quick and comprehensive decision about action to be taken for the protection of the child. It is also hoped that the coordinated process will be less traumatic for the child and family and yield more accurate investigations. A second center in the Dan area (Tel-Aviv) is now being established. Additional centers will be established throughout the country, based on the same model.

Measures to raise awareness on corporal punishment

87. At present no single governmental authority is charge with preparing and disseminating campaigns to raise awareness on corporal punishment, apart from specific programs, such as the Ministry of Education Directive regarding teachers' violence against pupils. The National Council for the Child issues material on corporal punishment.

The Judiciary

88. The Supreme Court maintains its strong stand against corporal punishment at home and in the education system. Following its rational in the Sde Or case,⁶ the Court recently rejected the appeal by a teacher convicted of assaulting a student. The teacher was also charged before the Administrative Tribunal for Civil and was summarily dismissed.⁷ The Court reiterated the student's right to dignity and specifically referred to Section 10 of the Pupils' Rights Law 2000 entitling the student to protection from any physical or humiliating discipline measures.

Legislation

89. The Rotlevy Committee for Children and Law has concluded that the existing criminal legislation applicable to corporal punishment is sufficient. What is required is a changed social climate towards corporal punishment through education and other measures to raise the awareness of parents and adults in general to children's rights, including the right to dignity and physical integrity. Regarding corporal punishment at home, a child's right to protection of his or her body and dignity will be incorporated into civil legislation (such

⁶ Criminal Appeal 5224/97 State of Israel v. Sde Or. See specific references in Israel's first periodic report (CRC/C/8/Add.44, 27.2.02) at par. 44, 405.

⁷ Administrative Appeal 1682/02 Sarchan Abd El-Wahb v. The State of Israel .

as a law on rights of the child within the family). Parents and others legally responsible for the child will be under the obligation to respect that right.

90. Regarding corporal punishment in schools, article 10 of the Pupils' Rights Law 2000,⁸ already incorporates the child's right to protection from bodily harm and humiliating discipline measures. This legislation supplements the criminal and administrative measures that may be used against a teacher using corporal punishment against students. A specific circular on the subject will soon be issued by the Director-general of the Ministry of Education (see below the reply to B.4.).

4. *With respect to the wider context of violence and its impact in the family and schools, what studies (including on the psychological effects of conflict on children) have been carried out and measures taken?*

Studies

91. Several researches concerning the psychological effects of conflict on children, especially with regard to terrorist attacks, have been conducted in recent years. The results of these researches will be used as a base for treatment models.

92. In the current situation, both children and those charged with their care (teachers, counselors, psychologists etc.) are exposed to high levels of risk and injury. This makes treatment more complex as it requires treating the entire community and focusing on developing mental health and strength. According to a recent research, 12% of the injured will probably suffer post-traumatic effects, 7-10% are likely to suffer from post-traumatic syndrome (PTSD). Another research cites higher rates of PTSD among children. Due to the wide range of injury and the difficulty to trace it, the Psychological Service trains teachers and parents to be able to identify children in need of focused treatment.

93. Additionally, a research concluded recently by Anat Zeira, Rami Benbenisti and Ron Astor is the national survey on school violence, financed by the

⁸ See para. 899 of the first periodic report.

Ministry of Education. The Ministry has initiated this survey as part of its program to implement the recommendations of the Vilnai Committee.⁹ The survey covers a wide range of issues such as victimization, perceived safety, sexual harassment, risk factors and school climate. A sample of 16,000 students, representing school type, ethnicity, region and level of religiosity, participate in the study. The period surveyed is 2000-2002. The survey's major conclusions are:

- 1) A constant decrease in the level of reported violence is observed compared to data collected in 1998. In some categories, the decrease observed is quite significant (e.g. in primary schools).
- 2) The level of physical and verbal violence decreases as children grow up – the level of violence reported in high schools is lower than in primary schools.
- 3) The age of children involved in risk activities (such as violence, cigarette smoking, alcohol drinking, drug abuse, early sexual activity etc.) is dropping.
- 4) A connection is detected between different risk activities – a child involved in one of the behaviors characterized as a risk activity is likely to be involved in other such behaviors.
- 5) Schools that have exerted efforts to reduce the level of violence have succeeded in doing so by using holistic approach to the problem. Programs addressing the wide variety of phenomena related to violence, including health issues, were found to be most effective.

Measures

94. In December 2000, the Director-General of the Ministry of Education issued a ninety-four page circular on “Creating a Safe Environment and Minimizing Violence in Educational Institutions” (Order 61/4(c)). The Circular provides information on: the school culture, rules of behavior in schools, tools and

⁹ See para. 1082 of Israel's first periodic report.

key-points for building intervention programmes to prevent violence. It includes four annexes: Central facts on violence in the education system; a list of contacts in the Ministry, the Police etc.; Cooperation with the Probation Service for Children; Intervention programs to prevent violence in schools.

95. The Ministry of Education has developed programs to implement the recommendations of the Vilnai Committee. Seventeen recommendations were included in the Director-General Circular mentioned above. Other recommendations were implemented by allocating budgets and manpower to a variety of existing and new programs. For example, 5,000 counseling hours were allocated to primary schools, the staff responsible for lecturing on violence in schools was enlarged, teachers' seminars added violence prevention programs to their curriculum, and additional budgets were allocated to the different districts to operate programs within their districts. A special coordinator, under the direct supervision of the Director-General of the Ministry, coordinates all the different activities to implement the recommendations.
96. Additionally, a comprehensive Director-General's Circular dealing with violence has been drafted. This circular aims at implementing recommendation no. 13 of the Vilnai Committee. The Circular will be published and disseminated among Ministry employees in the beginning of the school year (September 2002). The Circular, titled "offenses against students" is the last in a line of circulars intended to provide tools for teaching staff to deal with violence in schools.
97. The Circular's first aim is to emphasize that teachers, kindergarten teachers and headmasters are all obliged to respect students' dignity and safety, as well as to avoid causing any kind of damage to them. This obligation stems not only from the Penal Code, but also from a perception that acknowledges students' rights and sees the adult educator as a role model.
98. In various researches, students reported on physical and verbal violence from the educators and sometimes even sexual harassment. The challenge that confronts the Education System is to create a safe environment inside the institutions, for the students and the teachers, through elimination of all forms of violence.

99. The purpose of the Circular is to convey a clear message to all educators concerning the laws, norms and standards that should to be followed and to elaborate on the procedure to be taken in those cases when an educator damages a student. It also deals with giving the educators tools to handle severe cases of students' disobedience.

100. The Circular deals with the following issues:

- Forming an institutional policy to be applied across all levels of the Education System.
- Developing a procedure for complying with the obligation to report teachers' violence to the Police (arising out of Article 368 D of the Penal Code).
- Reporting obligations in accordance with the aforementioned procedure.
- Managing incidents of teachers' violence against children that are not included in the reporting obligation
- The functions, authorities and responsibilities of the central office of the Ministry of Education, the district authorities and the educational institution.
- Creating a violence-free environment among the educators and within the schools.

101. As explained in the Circular, certain incidents of teachers' violence should be reported to the Police. The Police also instructs pupils and students in schools around the country through its Youth Department. The Department provides lectures on a variety of topics. Violence in schools is one of the topics that are addressed in those lectures.

PART II

An official copy of the Convention on the rights of the child in Hebrew is enclosed. In addition, a copy of the text of the convention in Arabic is already available on the UN website.

PART III

Under this section, the State party is requested to briefly update the information provided in its periodic Report with regard to new:

- Bills or enacted legislation;
- Institutions
- Implemented policies; and
- Implemented programmes and projects and their scope.

Enacted Legislation

1. The Law for the Mentioning of Information regarding the Influence of Legislation on Children's Rights, 2002

The Law requires that upon proposing any new bill the Parliament and Government will analyze the impact of any such bill on children's rights, in light of the Convention on the Rights of the Child, and detail the expected effects of each bill in the explanatory remarks.

2. The Rights of Victims of Crime Law, 5761-2001

According to Section 4(a) of the law, minor victims' rights will be guaranteed in the spirit of the Convention on the Rights of the Child.

3. The Toddlers in Danger (Right to Day-care center) Law, 2002

4. The Free Education for Sick Children Law, 2001

5. The Youth Employment (Child Employing in Performance or Advertisement) Regulations, 1999

6. The Consumer Protection Law (Amendment no. 12), 2002

According to this Amendment, dangerous products' insignia should mention a specific age group that the product endangers.

7. *The Safe Transportation for Handicapped children Law (Amendment no. 2), 2002.*

8. *The Local Authorities Law (Elections), 1965*

According to Section 13(1) of the Law, persons from the age of 17 are given the right to vote in the elections for local authorities.

9. *The Municipalities Ordinance [New Version]*

The amendment to the Ordinance establishes a Committee for the Advancement of the Status of Children that will operate in each municipality.

10. *The Borrowing of Text books Law, 2000*

11. *The law regarding the Prevention of Employment of Sex Offenders in an Institution Providing Services to Minors, 2001*

12. *Amendment to the Penal Law, 1977*

The newly amended Section 361 of the Law establishes as a criminal offense the leaving a child, under 6 years old, without an appropriate supervision and endangering his or her life or health.

13. *The Rehabilitative Day-care Centers Law, 2000*

14. *The Public Defender (Entitlement to Representation to Additional Minors) Regulations, 1998*

15. *The Broadcasts Classification and Marking Law, 2001*

The Law requires broadcasters to indicate an age-limit on each broadcast.

16. *Freedom of Information Law, 5758-1998*

The law gives a solid legislative basis for the public's right of access to information. It prescribes a procedure for submitting requests and their handling and imposes several duties on the public authorities.

Bills

1. The State Health Insurance Law (Amendment no. X) Bill, 2002

The Bill suggests the addition of Section 23c to the Law, which provides that pupils' health services will include a school staff composed of a licensed physician and a licensed nurse.

2. The Rights of Children in Danger to Receive Services Bill, 2002

The Bill expands the services provided by the State to children in danger.

Institutions

The Knesset Committee for the Advancement of the Child is very active and has prepared many of the bills and laws listed above.

The Rotlevy Committee for the Inspection of the Principles of Legislation continues its work (see a more detailed description in the reply to **B.2.iii**)

Implemented Programmes and Projects

- 1. Children's Advocacy Centers - a child-centered service for child victims (please see reply B.2).***
- 2. The Open-Line for Students - provides fast, extensive and exhaustive answer to the students and their parents' complaints and difficulties (see answer B.2).***
- 3. Project to accompany minor victims and witnesses (please see answer B.3)***

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