

UNEDITED VERSION

COMMITTEE ON THE RIGHTS OF THE CHILD

31st Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES

UNDER ARTICLE 44 OF THE CONVENTION

**CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE
RIGHTS OF THE CHILD: ISRAEL**

1. At its 829th and 830th meetings (see CRC/C/SR. 829 and 830), held on 2 October 2002, the Committee on the Rights of the Child considered the initial report of Israel (CRC/C/8/Add.44), which was received on 20 February 2001, and adopted* the following concluding observations.

A. INTRODUCTION

2. The Committee notes that the initial report (submitted over seven years after it was due) follows the guidelines for reporting, is very elaborated, 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. It appreciates the additional material that was provided prior to and during the discussion, and the informative written replies which were submitted. The Committee appreciates that the presence of a well-qualified and cross-sectoral delegation contributed to a better understanding of the process of implementation of the Convention in the State party.

B. POSITIVE ASPECTS

3. The Committee welcomes:
 - The establishment and work of the Rotlevy Committee on Children and the Law, and 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. It further welcomes the establishment of local status of children committees at the municipal level.
 - The enactment of progressive legislation, including the 2002 Law for the Mentioning of Information regarding the Influence of Legislation on Children's Rights, and laws on minor victims' rights, legal assistance for children, and the prohibition of corporal punishment in homes, schools and other

* At the 833rd meeting, held on 4 October 2002.

institutions.

- The active involvement of civil society to promote the 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.
- Affirmative-action programmes for education of Israeli-Arabs.
- The various measures taken to support families in need (e.g. single parent families).

C. FACTORS AND DIFFICULTIES IMPEDING THE IMPLEMENTATION OF THE CONVENTION

4. In the present context of violence, the Committee recognizes the difficulties of the State party to fully implement 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. And at the same time, the Committee recognizes that the illegal occupation of Palestinian territory, the bombing of civilian areas, extra-judicial 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 continues to contribute to the cycle of violence.

D. PRINCIPAL SUBJECTS OF CONCERN AND RECOMMENDATIONS

D.1 GENERAL MEASURES OF IMPLEMENTATION

5. 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 of which is essential to guarantee respect for the equal dignity of all people in Israel and the Occupied Palestinian Territory.

Legislation

6. 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 have been impeded by factors, including insufficient budgetary allocation.
7. **The Committee recommends the State party to take all necessary measures, including the allocation of the required resources (i.e. human and financial) to ensure and strengthen the effective implementation of existing legislation.**
8. 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. the CRC implementation bill, and the right to quality education on an equal basis), in the area of children's rights.
9. The Committee encourages the State party to:
 - a) **ensure the speedy promulgation of legislation relating to child rights and its effective implementation;**

- b) consider the adoption of a comprehensive children's code, which incorporates the principles and provisions of the Convention; and**
 - c) continue to support the work of these committees through the allocation of adequate resources.**
- 10. 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.
- 11. **The Committee encourages the State party to take all possible measures to reconcile the interpretation of religious laws with fundamental human rights.**

Coordination

- 12. 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.
- 13. **The Committee recommends that the State party:**
 - (a) establish a central mechanism for intersectoral coordination and cooperation at and between national and local levels of government; and**
 - (b) ensure the preparation and implementation of a national plan of action for children, including the implementation of the Convention, is comprehensive, human rights-based and undertaken through an open, consultative and participatory process.**

Data

- 14. The Committee welcomes the comprehensive statistical volume provided by the State party, but is concerned that the data are not sufficiently analysed to assess progress in the implementation of the Convention, and regrets that no data was provided with respect to children living in the Occupied Territories.
- 15. **The Committee encourages the State party to:**
 - a) ensure the collection of statistics 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; and**
 - b) use this data to assess progress and design policies to implement the Convention.**

Monitoring structures

- 16. Noting different channels for children to make complaints (i.e. the Open-Line, and 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 the progress in the implementation of the Convention.
- 17. **The Committee recommends that the State party:**
 - (a) improve the coordination between the various existing complaints**

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

Resource allocation

18. 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 of the most vulnerable groups.
19. **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, etc.); and
- (c) systematically assess the impact of budgetary allocations on the implementation of child rights.

Cooperation with civil society

20. Recognizing that 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 OPT, the Committee is concerned at the insufficient efforts by the State party to fully cooperate with and facilitate their efforts.
21. **The Committee recommends that the State party strengthen its cooperation with NGOs and international organizations, including UN agencies, and guarantee access and safety for their personnel in the course of their work on behalf of children.**

Training/Dissemination of the Convention

22. 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.
23. **The Committee encourages the State party to:**
- (a) strengthen, expand, and make on-going 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; and
- (b) 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).

D.1 DEFINITION OF THE CHILD

24. The Committee is concerned that under Israeli legislation there is discrimination in the definition of the child with regard to 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 OPT (i.e. persons under 16 in Military Order no. 132).
25. **The Committee recommends the State party to rescind the provision of Military Order no. 132 concerning the definition of the child, and ensure its legislation conforms to articles 1 and 2 of the Convention in this regard.**

D.2 GENERAL PRINCIPLES

The right to non-discrimination

26. 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 constitutionally. 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 economic, social and cultural rights (i.e. access to education, healthcare 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.
27. **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) **Religious leaders should be mobilized to support such efforts.**
 - (e) **consider ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**
28. **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 Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment no 1 on article 29(1) of the Convention (aims of education).**

Best interests of the child

29. 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 (i.e. rabbinical courts).
30. **The Committee recommends that the State party continue its efforts to fully incorporate in legislation and practice article 3 of the Convention.**

Right to life

31. The Committee deeply regrets the killings and injuries of all children in the State party committed by all actors prior to and during the present armed conflict. And it is extremely concerned at the consequences of the climate of terror which seriously harms the development of children.
32. **The Committee strongly urges the State party and all relevant non-State actors to:**
 - I. **a) take immediate and all necessary measures to end the violence;**
 - b) take immediate and all necessary measures to ensure that children are not recruited nor participate in the conflict;**
 - c) investigate immediately and effectively all killings of children and bring the perpetrators to justice;**
 - d) take all necessary measures to provide child victims of these human rights violations with adequate compensation, recovery and social reintegration****2. Finally, the Committee recommends the State party to include in the second report information about the implementation of the above recommendations.**

Respect for the views of the child

33. The Committee welcomes 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).
34. **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; and**
 - (b) develop skills-training programmes in community settings for parents, teachers, social workers, and local officials to support children to express their informed views and opinions, and to have them taken into consideration.**

D.3 CIVIL RIGHTS AND FREEDOMS

Protection from torture, inhuman or degrading treatment or punishment

35. The Committee is seriously concerned at the allegations and complaints of inhuman and degrading practices, torture and ill-treatment of Palestinian children by police officers during arrest, interrogation and in detention (i.e. Ma'ale Adummim, Adorayim, Beit El, Huwarra, Kedumin, Salem and Gush Etzion Police Station; and prisons such as Terza prison, Ramleh, Megiddo Prison, and Telmond Prison).
36. **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, inhuman and 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 adequate compensation, recovery and social reintegration; and**
 - (d) include in its subsequent report information concerning the above recommendations.**

D. 4 FAMILY ENVIRONMENT AND ALTERNATIVE CARE

Violence/abuse/neglect/maltreatment

37. 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 other institutions which care for children, but it is concerned at the apparently limited impact of these efforts due to, among other things, a lack of a comprehensive strategy and the allocation of adequate resources.
38. **The Committee recommends that the State party establish a national and comprehensive strategy to prevent and combat violence and abuse within the family, in schools and other institutions caring for children, which should include, among other things:**
- a) a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;**
 - 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) sufficient resources for the provision of care, recovery and reintegration for victims; and**
 - f) train teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of ill-treatment cases**
39. The Committee notes the efforts (e.g. training and support programmes) of the State party to improve the care provided for by foster families. But it is concerned that yet a relatively high number of children live in residential care.

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

D.5 BASIC HEALTH AND WELFARE

Children with disabilities

41. 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.
42. **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 with the necessary services. Further, it recommends that the State party ensure that Israeli-Arab children receive the same level and quality as Jewish children.**

Health

43. The Committee is deeply concerned about the serious deterioration of health and health services of children in the OPT, especially as a result of the measures imposed by the Israeli Defence Forces, including road closures, curfews, and mobility restrictions, and the destruction of economic and health infrastructure. In particular, the Committee is concerned about: the consequent delays and interference of medical personnel; the shortages of basic medical supplies; and malnutrition of children due to the disruption of markets and non-affordability of basic foodstuffs.
44. **The Committee recommends that the State party guarantee safe and unconditional access to basic needs and health services, including medical supplies and personnel to every Palestinian child.**
45. The Committee welcomes information that the National Health Insurance Law covers all citizens of Israel. But it remains concerned at the persistent and significant gap in health indicators between Israeli-Jews and Arabs.
46. **The Committee recommends the State party to strengthen and increase the allocation of resources to ensure that all citizens benefit equally from available health services.**

Adequate standard of living

47. The Committee notes the States parties activities to improve support for vulnerable families (e.g. single parent families), but it 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, in single parent families and Arab families.

48. **The Committee recommends the State party to develop and implement a comprehensive strategy for the eradication of poverty, and provide that process with adequate financial and human resources.**
49. The Committee is deeply concerned at the large scale demolition of houses and infrastructure in the OPT which constitutes a serious violation of the right to the standard of living of children in those territories.
50. **The Committee recommends the State party, with reference to international humanitarian law (i.e. 4th Geneva Convention), to fully comply with the principles of distinction and proportionality, and thus avoid the demolition of civilian objects, including homes, water supplies and other utilities. It further recommends the State party to provide the victims of these demolitions with support for the rebuilding of their houses and adequate compensation.**

D.6 EDUCATION

Education

51. The Committee is concerned about the serious deterioration of access to education of children in the OPT 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.
52. **The Committee recommends that the State party, guarantee that education is accessible to every Palestinian child, in accordance with the Convention. As a first step, the State party should ensure that restrictions on mobility are lifted throughout the OPT during school hours.**
53. The Committee welcomes information that the budget for education as been protected from recent cuts in spending, but is concerned that investment and quality in education in the Israeli-Arab sector is significantly lower than in the Jewish sector.
54. **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.**
55. The Committee is concerned that the aims of education outlined under Article 29 of the Convention, including the development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities is not explicitly part of the curricula throughout the State party.
56. **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 respect to the development and respect for human rights, tolerance and equality of the sexes and religious and ethnic minorities. Religious leaders must be mobilized in this regard.**

D.7 SPECIAL MEASURES OF PROTECTION

Armed conflict

57. 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 OPT. Moreover, the Committee is concerned with insufficient cooperation of the State party in relation to demining efforts in southern Lebanon, and the lack of redress to the child victims of IDF operations there.
58. **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 respects the rights of children as contained in the Convention, and protected under international humanitarian law.**
 - b) **To 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 efforts of demining of southern Lebanon, and adequate compensation, recovery and rehabilitation to the child victims of IDF actions in southern Lebanon.**
 - d) **Ratify and fully implement the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and their Destruction.**

Sex exploitation

59. 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 NGOs in this area. But it is concerned that these and other efforts have so far had a limited impact.
60. **The Committee recommends the State party to take all necessary measures to increase the effectiveness of these efforts to address commercial sexual exploitation by, among other things, providing the necessary financial and other resources.**

Administration of juvenile justice

61. The Committee is concerned about:
- the differential application of law concerning children, such as with respect to the definition of a child in Israel (e.g. 1962 Guardianship and Legal Capacity Law) and in the Occupied Palestinian Territories (e.g. Military Order no. 132);
 - practice relating to arrest and interrogation of children in the OPT
 - Military Order nos. 378, 1500 and 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.
62. **The Committee recommends that the State party:**
- (a) **ensure that a system of juvenile justice fully integrates into its legislation and practice the provisions of the Convention, in particular articles 37, 39**

- and 40, as well as 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 the deprivation of liberty is only used as a measure of last resort, for the shortest possible time, is authorised 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 complaints mechanisms;
 - (d) train professionals in the area of rehabilitation and social recovery of children; and
 - (e) rescind all provisions in the Military Orders which violate international standards on the administration of juvenile justice.

D.8 OPTIONAL PROTOCOLS

63. **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.**

D.9 DISSEMINATION OF THE REPORTS

64. **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 thereon 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**
65. **In light of the recommendation on reporting periodicity adopted by the Committee and described in its report of the 29th Committee 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' responsibilities to children under the Convention includes ensuring that the UN Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognises that some State 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 2nd, 3rd and 4th reports in one consolidated report by the 1 November 2008. The Committee expects the State Party to report thereafter every 5 years, as foreseen by the Convention.**